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The motion was put and carried.

Clauses 1 and 2 of the Bill were put and carried.

The preamble was then put and carried.

The Hon. Mr. C. A. SOUTER:—"Sir, I now beg to move that the Bill be passed into law."

The Hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it, Sir."

The motion was put and carried and the Bill was passed into law.

V.—A BILL * TO AMEND THE MADRAS CITY MUNICIPAL ACT, 1919,
FOR CERTAIN PURPOSES (BILL No. 11 OF 1934)—*cont.*

The Hon. the PRESIDENT:—"The House will now pass on to the City Municipal Bill. Hon. Members are aware that the amendments moved by Messrs. Krishnayya Choudari and Dr. Subbarayan as well as the amendment moved by Mr. Ramaswami Ayyar, are now for discussion of the House."

* Mr. M. S. SRESHTA:—"Mr. President, Sir, there are several amendments proposed. One is the amendment proposed by my hon. Friend, Mr. P. V. Krishnayya Choudari, namely, that the Corporation shall appoint a person as Commissioner from among the District Collectors. Dr. Subbarayan's amendment is to the effect that a Commissioner shall be appointed by the Corporation from out of a panel recommended by the Madras Services Commission. Mr. Ramaswami Ayyar desires that the appointment should be made by the Corporation only. Then, Mr. Muthiah Chettiyar suggested that the appointment should be made by the Corporation on the sole recommendation of the Madras Services Commission, but he has not moved it in the form of an amendment. Sir, if I may be permitted to do so, I should like to move that formally as an amendment, that is to say, 'that the Commissioner shall be appointed by the Corporation on the sole recommendation of the Madras Services Commission.' I do not know whether I will be permitted . . ."

* The Hon. the PRESIDENT:—"That is the amendment moved by Dr. Subbarayan, that the Commissioner shall be appointed by the Corporation from out of a panel recommended by the Madras Services Commission."

* Mr. M. S. SRESHTA:—"My suggestion is that there should be no panel at all, but the appointment shall be on the recommendation of the Madras Services Commission and that the appointment by the Corporation shall be merely formal."

* The Hon. the PRESIDENT:—"Does the hon. Member suggest a fourth amendment?"

* Mr. M. S. SRESHTA:—"Yes, Sir. The reason why I am proposing this amendment is this. Several hon. Members of this House do not

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apparently desire that the Madras Corporation should be vested with the right of selecting the Commissioner. They are afraid that if such power is vested in the Corporation, there will be considerable faction and canvassing with the result that the best man might not be selected, but that the person who has canvassed most or who is acceptable to the party in power would be selected. If that is the case, I do not see why the House should not go further and say that the appointment should not vest in the Governor in Council, but should vest in the Madras Services Commission. So far as the Government service is concerned, the principle has been accepted that appointments should be made on the recommendation solely of the Madras Services Commission. I should like to extend that principle to this case also. No doubt, so far, we have had very competent and very able men as Commissioners and I do not wish to cast any reflection on the Commissioners who have been appointed under the present system. But, we notice that under the new Government of India Act, the power will pass from the Governor in Cabinet to the Governor in Council in a different manner, that is to say, the Council will, in future, consist of Ministers who will be responsible to the Legislative Council; and it will not be possible for such a Council to be entirely above party politics. Whichever party is in power, whether it is the Justice Party or the Congress Party or the Independent Party, the Ministers will not be above party politics, and even now I may say, the charge is often made that a certain man is appointed to a post because he belongs to the party in power. I dare say the charge is unjustified, but still the charge is made. That such a state of things is possible is shown not only in America but also in Great Britain. Recently a commission was appointed to go into the question of recruitment to the local Government appointments in Great Britain. That committee finished its report in 1929. There is a statement made in the report to the effect that the present system leads to corruption; and the recommendation was made that so far as possible the appointments should be placed above corruption and above suspicion of corruption. This is what the final report says: 'While it is obviously undesirable that an officer should be deterred from carrying out his duties as the law prescribes, it is also unfortunate if the council feels that an officer is not entirely deserving and is one whose whole-hearted co-operation they cannot depend upon.' Therefore it follows that the Corporation should also have a voice in the matter of selection, but at the same time we have got to consider how we can reconcile the two conflicting principles, namely, we want that the Corporation should have a hand in the selection of the Commissioner on the one hand, and on the other, we do not want any canvassing to take place in the Corporation; and we do not also want that the appointment should be made on any other ground than that of efficiency. I think these two conflicting principles will be met by adopting my suggestion, namely, that the Madras Services Commission should make the recommendation and that formally the appointment should be made by the Corporation. Sir, there is one defect in the present system. Now, the Commissioners are appointed by the

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Local Self-Government Department. The result is we find that the Commissioners in mufassal municipalities do not consider themselves the servants of the bodies under whom they are working. There are cases where the Commissioners think that they owe no respect or consideration to the members of the municipalities. I have known a case where an engagement was fixed by the Commissioner with a member of the council, but at the last moment he was not present at the place of appointment and there was even no excuse made by him for his absence. Ultimately it was found that because the Collector had written to him asking him to be present somewhere, he had ignored his engagement with the member of the municipal council. So, these kinds of pin-pricks are partially the cause of the friction that exists between the Commissioners and the municipalities in various mufassal stations. Fortunately, in the case of the City Corporation we have had persons of high status as Commissioners, and probably that is why friction does not exist. It is, I think, most humiliating for a municipality to feel that the Commissioner thinks that he is not the servant of the municipality and that he can disregard the wishes and sentiments of the members of the municipal council.

“It is for that reason I want that the appointment should be made by the Corporation only formally on the recommendation of the Madras Services Commission. It has been said by the Hon. the Chief Minister that the hold of the Local Self-Government Department on the municipalities should be tightened. I think that it is a wrong principle. I have the greatest respect for that department and I admit they are doing their work very efficiently. But all the same it is a wrong principle for the Local Self-Government Department to try to make the municipalities . . .” 11-30 a.m.

The Hon. the RAJA OF BOBBILI:—“I never stated that the grip of the Local Self-Government Department on the local boards should be tightened. All that I said was that it was not advantageous to set up autonomous and independent bodies over which Government would have no ultimate control.”

Mr. M. S. SRESHTA:—“I thank the Hon. the Minister for his explanation. Perhaps what I said was not technically correct. I feel, Sir, that there is no use of having municipalities if they are entirely under the guidance and tutelage of the Government. I dare say that there is a good ground for such a guidance in the case of certain municipalities. But I think so far as the Madras City is concerned there is no necessity for such tutelage and guidance. I think that the Commissioner should be entirely beyond the pale of politics. It is the general desire that there should be full autonomy. Towards that end we should start with Madras and the Government, therefore, should give as much autonomy to the Corporation as possible; and that can be achieved only if the Commissioner is appointed not by the Government and not with the approval of the Local Government but by an independent body like the Madras Services Commission, which is a body entirely above party

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politics and local bias. I make this suggestion on principle. I do not want to make any reflection either on the Commissioner or the Local Government. I think it would be a wrong step to retain such powers in the hands of the Government as, under the new Act, the Governor in Council will be under the influence of the Legislative Council and we do not want the Corporation to be interfered with in any way from above. The appointments must rest entirely on grounds of efficiency and that cannot be secured unless the Madras Services Commission is vested with that power.

"It may be asked how can the Services Commission undertake this duty, under the present Act. There is some little doubt about it. I have enquired a leading official about it and he told me that even at present appointments to the local bodies may be recommended by the Services Commission. In any case, if there is any doubt, as the Act is now under the process of amendment, it might be so amended as to give power to the Commission to make recommendations in regard to appointments to the local boards also.

"There is a tendency nowadays all over the world to keep appointments outside the scope of the Government. I was recently told about a member of the British Cabinet visiting Madras, that he did not know who the officials under him were. He knew nothing about appointments in the services. That ought to be the spirit here. Until we have ministers who know nothing and have nothing to do with the services, we shall not have purity of administration. Ministers whether they belong to the Local Self-Government or to any other department should not have any voice in the appointments. The cry against the Government at present is that so many appointments—commissioners to municipalities and panchayat officers—are made on party considerations. That sort of implication should not be allowed to remain. Therefore, Sir, I propose the amendment. I move that—

'The Commissioner shall be appointed by the Corporation on the sole recommendation of the Madras Services Commission'."

MR. V. I. MUNISWAMI PILLAI:—"I beg to second the motion."

* MR. V. T. ARASU:—"It is unfortunate that there should in this House be so much of distrust of representative institutions. My hon. Friend, Mr. Sreshta, started by saying that representative institutions like the Corporation Council are bound to be influenced by party considerations and that the candidate with the biggest canvassing capacity would succeed in securing the commissionership. I am sorry that the hon. Gentleman forgets that it is after all through human agencies that we have to work any institution. The objection raised against the City Council that it is likely to be swayed by party consideration or other prejudices, may as well be levelled against the Services Commission or the Local Government in whom some hon. Members suggested that this power should vest. I ask if the Commission is an automatic machine which can weigh and judge the merits of the candidates? It is a human

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agency consisting of three members, and human beings being what they are, they are not often absolutely free from prejudices, likes and dislikes. I ask my hon. Friend, Mr. Sreshta if it is not possible that a candidate for commissionership who happens to be a great friend of one of the members of the Commission would get his name recommended irrespective of whether he is suited to that post or not. The same objection holds good with regard to the argument that the power should vest in the Government. The idea of the Government in insisting that this power should vest in them is that the City Council will not be competent to appoint the proper man and that it will be swayed by other considerations. I ask whether the Local Government will not also be influenced in the same manner as the City Council. The Local Government means the Hon. Ministers who are in power at the time and being dependent on the vote of the Legislative Council, I ask whether they are not likely to be influenced by likes and dislikes and party considerations. Therefore, I think that the argument that the City Council is not competent to make the appointment is, to say the least, not to be taken seriously. I personally feel that the power should vest in the Council itself. The Hon. the Chief Minister just a while ago told the House that the idea is that the Government should have the ultimate control over local bodies. I ask whether it is only by the appointment of the Commissioner that they can control the activities of the Corporation. They have control—a grip I may say—in several other ways—budget itself has to be approved by the Government. Every appointment has to be finally approved by the Government. When that is the case, there is no point in the Hon. the Chief Minister saying that because they want ultimate control over these local bodies, the power of appointment of the Commissioner should vest in the Local Government.”

* The Hon. the RAJA OF BOBBILI:—“ On a point of personal explanation, Sir, I said that the Government must have ultimate power, in reply to the speech of Mr. Ramaswami Ayyar who said that local bodies should be autonomous and Government should have no power to interfere with them. That remark does not apply to the appointment of the Commissioner.”

* Mr. V. T. ARASU:—“ In a way, Sir, this is one of the tests by which the autonomy of a representative institution will be judged—whether it enjoys real autonomy. I feel that the Council is the proper authority to select a candidate for the post and that the power should vest in the Council. As an alternative I am prepared to go to the extent suggested by the amendment of the Leader of the Opposition that the Commissioner shall be appointed from out of a panel recommended by the Services Commission. This compromise amendment will, I hope, meet with the approval of the Government and a majority of hon. Members. For, it meets the arguments of those who hold diametrically opposite views, one set of people holding the view that the Council is incompetent to make the appointment and another thinking that the power should be vested in the Commission or the Government. If a

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candidate is to be selected from out of a panel, it will not be as if the candidate was imposed upon the Council and as such it will not be against the dignity of the Council. The Council will have the technical power of appointing, though out of the panel. Therefore, I appeal to the House to accept the amendment of the Leader of the Opposition."

* Mr. K. KOTI REDDI:—"Mr. President, in the matter of appointment to the local bodies, of which, the Corporation is one, it seems to me that the power must rest either entirely with the local body or with a non-political body like the Services Commission. I do not think any compromise between these two is possible. So far as I am concerned, I think that such a power ought not to vest in the Government. It is not that I am against them. We know what influences could be brought to bear on the Local Government and it is very likely that they yield to them. It is better that such a contingency is avoided. The very purpose behind the constitution of the Commission is to see that political bias has no part or lot in the matter of appointments. If appointments of commissioners to municipalities were welcomed by certain sections of the people, it was because it was thought that powers of appointment would not be properly exercised by the local bodies themselves. It was thought that an outside body would be the proper authority. When you are now wanting to avoid the influence of the local bodies, we have here the influence of the Local Government. I think, Sir, that the only way to avoid these influences would be to entrust this power to a separate body like the Services Commission."

11-45
a.m.

"Well there is a section who feel that the local bodies should have this power. But I believe, Sir, in the present condition, it is desirable that the influences which are likely to play a very great part in the matter of appointments ought to be avoided and that could not be avoided if this power of appointment is vested on the one hand in local bodies and on the other in the Local Government. So the power of appointment must be vested in a third non-political body like the Madras Services Commission. Therefore I feel that the amendment moved by my hon. Friend, Mr. Sreshta, ought to be supported by this Council."

* The Hon. the RAJA OF BOBBILI:—"Sir, I wish to say a few words. I do not wish to repeat the arguments that have been advanced in reply to the remarks of the various Members who moved the amendments on the previous day. I am afraid the debate has extended far beyond the amendments now before the Council. Hon. Members who have spoken to-day seem to have overlooked the fact that the appointments of Commissioners were being made long before this Act came into force from Government service and not at all from outside Government service."

Mr. V. T. ARASU:—"What about Sir Habibullah?"

* The Hon. the RAJA OF BOBBILI:—"Perhaps it is an exception, Sir. It must be conceded that it is hardly possible to find a man sufficiently experienced and with the necessary capacity outside the

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Government service to this important post. I quite agree with some of the remarks as regards these appointments that they should be in the hands of an independent body. But there is the question of placing the services of Government officials at the disposal of the Corporation. I once again repeat that it is only the Local Government who will be competent to come to conclusions as to whether a particular individual is suitable for the post, whether a particular individual can be spared from his regular duties and whether a particular individual is willing to accept the post. I therefore feel that this appointment must continue to be made by the Local Government. In conclusion I may state that I very much deprecate the growing tendency of late to assume that the future Government is going to abuse its powers and will not be fit to discharge the duty of making one or two appointments. I may state that the future Government will be called upon to discharge far greater responsibilities than making the appointment of Commissioner of the Corporation and I am afraid if one-tenth of the fears now expressed come true, then we are not at all fit for self-government. I would, therefore, plead, Sir, that we should not assume that, whatever Government may come into existence, it would be influenced mainly by political considerations and that it will not feel its responsibility. Of course, in all democratic institutions, the element which will operate as a check on the actions of the Government will be the Legislative Council and they will in future be responsible to a fully elected legislature. I do not, therefore, see why we should be so much afraid that this provision may be abused."

* The Hon. the PRESIDENT:—"I shall put the amendments to the vote of the House.

"The first is that of Mr. P. V. Krishnayya Choudari.

"The question is:

'For section 7, substitute the following:—

"7. The Corporation shall appoint a person to be Commissioner from among the District Collectors subject to the approval of the Local Self-Government Department and the Commissioner shall not be a member of the council." "

The motion was put and lost.

* The Hon. the PRESIDENT:—"I will now put Dr. P. Subbarayan's amendment to the vote of the House.

"The question is that

'For section 7 of the said Act, the following section shall be substituted:—

"7. The Commissioner shall be appointed by the Corporation from out of a panel recommended by the Madras Services Commission and shall not be a member of the council." "

The motion was put and lost.

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* The Hon. the PRESIDENT:—"I will now put Mr. T. S. Ramaswami Ayyar's amendment to the vote of the House.

"The question is that

'For section 7 of the said Act, the following section shall be substituted:—

"7. The Commissioner shall be appointed by the Corporation and shall not be a member of the council." "

The motion was put and lost.

* The Hon. the PRESIDENT:—"I will now put Mr. M. S. Sreshta's amendment to the vote of the House.

"The question is that

'For section 7 of the said Act, the following section shall be substituted:—

"7. The Commissioner shall be appointed by the Corporation on the sole recommendation of the Madras Services Commission." "

The motion was put and lost.

* The Hon. the PRESIDENT:—"Consideration of clauses 6, 25, 28 and 46 may be adjourned and the consideration of clause 48 may be taken up now.

12
noon.

"I think it will be convenient to postpone the consideration of these clauses until we dispose of amendment No. 2 *re* clause 4. It is expected that some arrangement might be come to this afternoon and we will take up that clause this afternoon. Now we shall proceed with clause 48."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, in view of the fact that some of the hon. Members are absent because they thought that these amendments would be taken up seriatim and that the amendments they have tabled would only come later, would it not be advisable to adjourn the consideration of those amendments till this afternoon when those Members are expected to be present?"

* The Hon. the PRESIDENT:—"Perhaps it will be more advisable to once and for all adjourn the whole House and meet again in the month of January.

"Hon. Members will know that we have discussed all the clauses up to clause 46 except 3, 4, 5, 6, 25 and 28 and therefore I think I am right in taking up clause 48 for discussion subject to the condition that clauses 47 and 48 will be put to vote together. Now Mrs. Rukmani Lakshmipathi has to move her amendment (amendment No. 88 on page 12 of the printed amendments)."

Clause 48.

Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, I do not press that amendment."

The amendment was not moved.

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Mr. T. SUNDARA RAO NAYUDU:—"I beg to move the amendment amendment that stands in my name which is as follows:—

'In line 3 of sub-clause (ii), the word "under" shall be omitted.'

"Sir, this amendment is intended only to remove the word 'under' which has been repeated twice. This is only a verbal amendment."

Mr. R. MADANAGOPAL NAYUDU:—"I second it."

The amendment was put and carried.

Clause 47 and clause 48, as amended, were put and carried.

Mr. T. S. RAMASWAMI AYYAR:—"Some of the Members who have tabled amendments are not in their places. Are other Members allowed to move for the adjournment of the consideration of those amendments on behalf of those who are absent?"

* The Hon. the PRESIDENT:—"I do not think that is in order."

Clause 49.

Section 96.

"on,

New sub-section (2).

Mr. P. V. KRISHNAYYA CHOUDARI:—"I beg to move the following amendment that stands in my name:—

'In the proviso to sub-section (2) for the words "one hundred rupees," substitute the words "fifty rupees".'

"The reason why I am anxious to move that 'Rs. 100' should be substituted by 'Rs. 50' is that when people are getting a salary below Rs. 100, they have no right of appeal to the Committee. Even an elementary school teacher who draws a salary of Rs. 15, if he is punished by the President of the District Board has got the right of appeal. There is a provision in the Local Boards Act which allows appeal to the Government against the orders of the President of the District Board. As such, I do not know why the Government in this case alone want to restrict the right of appeal to people who draw Rs. 100 and above. As a matter of fact, in the Revenue Department if a clerk is dismissed by the District Collector, there is scope for him to appeal to the Board of Revenue and to the Government also. Some Collectors are functioning as Commissioners of the Corporation and they are given greater privileges than the Collectors and I do not know why the Corporation should not adopt the analogy of the Government. I do not think the Hon. Minister will be deviating from his policy by accepting this amendment. If the Commissioner passes an order, that can be revised by the Standing Committee. I therefore feel that this amendment is necessary."

* Mr. V. T. ARASU:—"I have very great pleasure in seconding this amendment. The proviso referred to in the amendment is found

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on page 57 of the Madras City Municipal Act as amended by the Select Committee and it runs as follows:—

‘ Provided that any officer or servant in receipt of a salary of not less than one hundred rupees may appeal to the Standing Committee against any order of the Commissioner reducing, removing or dismissing him or suspending him for a period of more than “one month” ’.

“ Sir, as was rightly pointed out by my Friend, Mr. Krishnayya Choudari, it is essential that there should be this right of appeal in the case of employees of the Corporation drawing less than Rs. 100 to the Standing Committee of the Corporation. As was rightly pointed out, in the case of Government servants, even in cases of Ministerial servants who draw about Rs. 40 or Rs. 35, there is appeal to the Government against any order passed by the immediate superior officer. In the same way in the case of employees of Corporation also who are drawing less than Rs. 100 an appeal should lie against the order passed by the Commissioner reducing, removing or dismissing or suspending them for a period of more than one month.”

12-15 p.m. * The Hon. the PRESIDENT:—“ I take it that Mr. Krishnayya Choudari has moved only one part of his amendment of which he has given notice.”

Mr. P. V. KRISHNAYYA CHOUDARI:—“ I had no objection to move the amendment putting the figure at Rs. 30 but I learnt that the Government would accept the amendment if the figure was increased to Rs. 50 and in order to avoid unnecessary discussion over the matter I have agreed to put the figure at Rs. 50.”

Mr. A. RANGANATHA MUDALIYAR:—“ I also support the amendment.”

The Hon. the RAJA OF BOBBILI:—“ If that is the general desire of the House, I do not oppose the amendment.”

The amendment to substitute the words ‘ fifty rupees ’ for the words ‘ hundred rupees ’ was put and carried.

Mr. C. BASU DEV:—“ I seek your guidance in a small matter, Mr. President. Are we not on section 48? ”

* The Hon. the PRESIDENT:—“ Hon. Members must make a difference between sections and clauses. Clauses relate to the Bill and sections, to the original Act.”

Mrs. A. RUKMANI LAKSHMIPATHI:—“ Mr. President, I want to move amendment* No. 91. My amendment wants to substitute Rs. 30.”

* The Hon. the PRESIDENT:—“ Mr. Krishnayya Choudari had given notice of an amendment proposing the substitution of Rs. 30 for Rs. 100. Subsequently as there was agreement from the Government for the

a 91. Mrs. A. RUKMANI LAKSHMIPATHI.—“ In sub-section (2) in the proviso, for the words ‘ one hundred rupees,’ substitute the words ‘ thirty rupees.’ ”

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figure of Rs. 50, he moved the amendment substituting Rs. 50 for Rs. 100. That amendment was put to vote and carried. So the hon. Member's amendment does not arise. It has been superseded."

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I move the following amendment:—

'In sub-section (2), proviso, for the words "for a period of more than one month," the words "for any period" shall be substituted.'

"Sir, suspension is a grave thing whether it is for a period of one day or thirty days or forty days. It is a thing which no officer would like to have on his record as a black mark. It is very reasonable and desirable to provide the aggrieved officer with a right of appeal in the case of any suspension, whatever the period may be. Government servants are given the same privilege and I appeal to the Government to show the same liberality in the matter of the servants of the Corporation also, so that the employees in the local self-governing bodies may have the advantage of copying the Government procedure."

Mr. V. T. ARASU:—"I second the amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, this question was raised in the Select Committee. I believe I am right in saying that as a compromise between three months which was in the original Act and no fixed period at all, we adopted one month. I think there should be some period fixed in respect of suspensions and I therefore oppose the amendment."

The amendment was put and lost.

Mr. P. V. KRISHNAYYA CHOUDARI:—"Mr. President, Sir, I move the following amendment:—

'In section 96 (2), add the following provisos, viz.:—

"Provided that any officer or servant in receipt of a salary of more than Rs. 100 may appeal against the order of dismissal to the Local Government within a period of one month from the date of the order on the first appeal."

"Provided further that any officer appointed under section 85 may appeal against the order of suspension, dismissal or reversion from a higher to a lower cadre, to the Local Government within a period of one month from the date of the order passed on the first appeal".'

"Sir, the object of the amendment is to provide for an appeal to the Government against the decision of the Corporation authorities. There are many posts in the Corporation carrying more than Rs. 100. In the remarks I am going to make I am not passing any observations on the Corporation or the Commissioner, but I only want to point out the difficulties in the way. If for instance the Commissioner and the Appeal Committee agree together and punish a subordinate, he will have no remedy. That is why I want that there should be a right of

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appeal to the Government also. After all there would not be many cases and thereby the Government will not have very heavy work. The Government may say that by hearing so many appeals from the Corporation their time would be wasted. But as a matter of fact they are to-day disposing of small appeals drawing Rs. 20 and Rs. 30. I do not see why Government should not hear appeals drawing Rs. 100 and more. (Interruption.) I do not see why my hon. Friend is so anxious, as though he is going to stick to the post of Commissioner."

Khan Bahadur JAVAD HUSSAIN KHAN SAHIB Bahadur:—"On a point of personal explanation, Mr. President. I never was anxious about anything. I was anxious to know whether appeals were drawing Rs. 100 or appellants."

Mr. P. V. KRISHNAYYA CHOUDARI:—"He is so anxious to have more powers. I could see it also in the Select Committee. Whatever it be, if the Commissioner is not personally anxious to have such a power, I do not see why the Government should not allow persons drawing more than Rs. 100 to have a second appeal to the Government. Whenever the Collector of a district punishes a person on this pay, he can have one appeal to the Board of Revenue, another appeal to the Government and a third appeal to His Excellency the Governor. I think that the servants of the Corporation also should have the same rights. We have already applied in their case the system of pensions, and provident fund and also the Fundamental Rules and I do not see why they should be deprived of the right of a second appeal to Government. I request the Hon. Minister to accept this amendment, so that this Act may be in conformity with other Government Acts."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, Sir, I have great pleasure in seconding the amendment. It is a very reasonable one. It does not aim at second appeals in the case of all persons drawing salaries however low they may be. It is only in the case of persons drawing Rs. 100 and above that a second appeal is provided for. As we all know, the Corporation consists of party members and it is quite possible that these Standing Committees which consider appeals from subordinates may consist of a majority of party members. In such a case, if the Committee feels that a certain subordinate has been helping the party in opposition or a minority party, they may not do justice to the appellant. Whereas under Provincial Autonomy the Government is bound to safeguard the interests of all parties. I therefore feel that the interests of subordinates drawing Rs. 100 and above should not be jeopardized by the absence of provision for second appeal. In the case of Government servants drawing even less, the Collector makes a report to the Board of Revenue, the Board of Revenue suspends or dismisses him and afterwards there is an appeal to the Government and to the Governor. In these circumstances, I consider that this amendment is a reasonable one and I request the Hon. the Chief Minister to be pleased to accept it. After all, it only provides for an appeal to the Government."

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* Mr. V. T. ARASU:—" Mr. President, Sir, I am constrained to oppose the amendment of Mr. P. V. Krishnayya Choudari. It is an indirect attempt to remove certain powers from the Corporation. The amendment also implies a distrust of the Standing Committee and insinuates that they would not mete out justice to the Corporation subordinates. It is hardly fair that a responsible Standing Committee should be considered unfit to judge whether a punishment meted out to an employee of the Corporation is fair or not. If the amendment is accepted, the Government will be flooded with appeals. Already the Government find it difficult to dispose of the large number of appeals from the employees of local bodies and they take six months and nine months to dispose of an appeal. I know of a particular case where an appeal from an employee of a municipality was not disposed of for two years. Therefore it would be impossible for the Secretary to Local Self-Government Department to attend to other matters and a considerable part of his time will be taken up every day with these appeals. I am therefore constrained to oppose this amendment."

* Mr. C. BASU DEV:—" Mr. President, I rise to support the amendment. I welcome the observations of Diwan Bahadur Ratnasabhapathi Mudaliyar. He was the chairman for a very long period of one of the biggest municipalities in the Presidency. He has given his entire support to this amendment. I wish it were possible to reduce the figure of Rs. 100. Inasmuch as there is some agreement on this figure I do not want to move any amendment for reduction. My Friend, Mr. Arasu, who says he knows about the working of the Corporation, about the sense of responsibility that permeates the proceedings of the Standing Committees and the considerations that move the decisions of the members thereof either does not really know what is happening (Mr. Arasu: 'What is happening?') or if he knows he deliberately dissembles it. I must protest against allowing the destinies of the unfortunate employees of the Corporation to be decided in a final manner by the members of the Standing Committee. I do not see why when we have provided for appeals to the Government in the case of employees of district boards and municipalities, the same privilege should not be extended to the employees of the Corporation."

Mr. T. SUNDARA RAO NAYUDU:—" You have not served on any of 12-30
them." p.m.

Mr. C. BASU DEV:—" My hon. Friend has been in the Corporation for a long time and has grown grey in its service. If he wants to shut his eyes to what is happening around him, I cannot help him."

Mr. V. T. ARASU:—" I must enter a protest against what the hon. Member (Mr. Basu Dev) is saying."

* Mr. C. BASU DEV:—" If the hon. Member does not know what is happening, I cannot help it. I do not want to take up my friend's challenge for the very simple reason that I want to avoid washing

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dirty linen. When Mr. Arasu is constituted as the champion of the Corporation, then it will be time for me to answer him. He has had sufficient answer the other day at Villivakkam where he was about to be assaulted by the Adi-Dravidas."

* The Hon. the PRESIDENT:—"Both the hon. Members are advised to avoid personal attacks and personal explanations."

* Mr. C. BASU DEV:—"Sir, you will kindly concede that I never proved personal references here. It is my hon. Friend who challenges to state things which are better left unsaid. I would like to repeat what I had stated that there is no reason why the employees of the Corporation should be denied this privilege. With these words, I support the amendment."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, I think unnecessary heat has been introduced into this debate. The practice in this House against which I wish to protest is this: Members who belong to bodies other than the Corporation of Madras feel that there is something wrong with the Corporation of Madras. I would be glad if they were able to state definite cases where employees of the Corporation have been badly treated. Of course I do not dispute the proposition that an employee of the Corporation should have a right of appeal. If the Government think that the amendment of my hon. Friend from Guntur should be accepted, I have no quarrel. I do not say, Sir, that an employee of the Corporation should not have a right of appeal, when he has a grievance. I do not want to deny him this right. Yet, Sir, it is a sorry spectacle that members of various bodies should try to speak ill of the Corporation of Madras. Let them give specific cases where employees of the Corporation have been badly treated or let down by the Corporation. My hon. Friend who represents labour in this House is certainly entitled to say that an employee of any local body including the Corporation of Madras should have this right of appeal; he may say that if an appeal is allowed to the Standing Committee, it is not enough and that an appeal to the Government should be provided for. But I cannot appreciate the sentiments expressed by distinguished members of various local bodies to the effect that the privileges of the Corporation of Madras should be curtailed. I can understand them asking that local bodies should be on a par with the Corporation of Madras in the matter of rights and privileges. I shall be glad, if they say, 'You are giving various privileges to the Corporation of Madras; why not give the same privileges to other local bodies also?' I do not like them saying, 'We do not enjoy these privileges; why should the Corporation of Madras alone have them?' It is only to protest against the way in which light-hearted reference is made to the administration of the Corporation of Madras that I rise now; only during the discussion of the last amendment, I heard the Hon. the Chief Minister saying, that if we could not trust the Local Government to use this power properly, he did not know how we could have local

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self-government. If you cannot give this privilege to the Corporation of Madras, how can you expect to have real local self-government? I wish that hon. Members should take a charitable view of the situation; personally I do not object to the amendment being accepted by the Government, if they are willing to. I do not want the employees of the Corporation to lose this privilege."

* Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"On a matter of personal explanation. Coming from the mufassal, I did not say that because the power is not enjoyed either by the district board or the municipality, it should not be given to the Corporation. Whether it is a municipality or a district board, or the Corporation of Madras, I say that a person drawing a salary of more than Rs. 100 should have a right of appeal to the Government over the decision of the Standing Committee or the Council. What I say is he should have a second appeal, wherever he may be employed."

* Mr. A. RANGANATHA MUDALIYAR:—"Sir, when I heard Mr. Arasu speaking, I thought he was really making out a case for a second appeal to Government being provided for. He said, if this amendment is carried, any number of appeals would be coming to the Government. It means that the municipality or the Standing Committee would be dismissing any number of persons and providing cause for many appeals to the Government. I do not believe that Mr. Arasu meant that the Standing Committee or the Corporation Council will act unreasonably. All the same I cannot say that these bodies are infallible. There may be some hard cases. As in the case of Government employees, there must be a right of appeal to the Government in the case of municipal employees drawing Rs. 100 and more. Such a provision would add to the responsibility of the local body to go into the matter more carefully so that justice is done in all cases. If anything goes wrong, is it not right that there should be a higher tribunal to set it right? I do not think that either the Corporation or the Standing Committee will feel aggrieved if this amendment is carried. I am very glad that Mr. Ramaswami Ayyar has given a higher turn to the debate. He is an experienced President of the Corporation of Madras. He is not objecting to this provision and I think that it is but right that the employees of the Corporation should have this privilege."

* Rao Bahadur Sir A. P. PATRO:—"Sir, I rise only to speak on the matter of principle which the hon. Member representing the University has enunciated to-day, namely, only those that are associated with the working of the Corporation of Madras are competent to speak on such matters with authority and that others will not be justified in criticising the Corporation . . ."

Mr. T. S. RAMASWAMI AYYAR:—"On a matter of personal explanation, Sir. May I know if there is any sentence in my speech to which the hon. Knight from Ganjam can take exception? Did I say that other members are not entitled to speak with authority? I only

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asked why hon. Members of this House should seek to deprive the powers or privileges of the Corporation; if the local bodies wanted the same privileges, they should claim them. I did not say that they should not speak on this Bill; if I meant that, the debate should not take place here but in the Ripon Buildings."

* Rao Bahadur Sir A. P. PATRO:—"Words have their meaning; the hon. Member may have some ideas in his mind; what he expressed is entirely different from what he is saying now. It is difficult to understand the representative of the University. The principle involved in this matter is one of justice. In the case of members of the provincial service, in the case of people who are drawing a salary of Rs. 100 and more, the Government have provided for appeals to the Government. We were informed to-day that the superior services of the local bodies are going to be provincialized. If a person is employed in a local body or in the Corporation of Madras, is it right that he should surrender this right of his to appeal to a higher authority? The standing committee will of course hear the first appeal; the punishment meted out to the employee may be based on a wrong view of the matter; it may be that the standing committee may not be in possession of all the facts. The standing committee also is likely to go wrong in some cases. I think the hon. Member representing the University will admit that things are not as well as they appear to be. He cannot deny that there has been a good deal of criticism of the actions of the Corporation of Madras in respect of this matter. It seems to me that it is just and fair that the subordinates of the Corporation should have this right of appeal from the decision of the standing committee, especially where the subordinate has been dismissed and where he loses all chances of promotion and other privileges. Is it not fair that he should be given the liberty to state his case before an independent authority, like the Government?

"If we take the analogy of the local bodies, we have provided for appeals to the Government. Will not a municipality be as just and as honest as the Corporation of Madras? Why should there be an appeal to the Government against the order of the municipality? There is no reason why the Corporation of Madras should be treated in a different manner.

"The hon. Member representing the University wanted specific instances. I ask him to read the criticism of the Government on the administration report of the Corporation for the last two years. He will know what is happening."

Mr. V. T. ARASU:—"May I know what is happening for the last two years?"

* Rao Bahadur Sir A. P. PATRO:—"The hon. Member is just a budding politician. If he wants to be a successful politician, he should not ask for things which would much better be left unsaid. If you are not going to look into the grievances of the subordinates and

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redress them, then you will not be able to have efficient service from them. If you do not give them a right of appeal to the Government, to an independent authority, and allow them to place their grievances before them, if they do not have confidence in you, how can you expect the members of the subordinate services to render efficient service? If they are not contented, you will understand how difficult it will be to carry on the actual administration. They have to work sometimes during nights. People employed in the Corporation of Madras must have the right of appealing to the Government. Otherwise we would not be able to get efficient service from them.

"I hope Mr. Arasu will become a councillor of the Corporation of Madras very soon, as he is trying to. Then he will get more experience, and then he will regret having advocated his cause to-day. On principle I say this: the employees of the local boards have got the right of appealing to the Government. The Corporation of Madras also should not stand in the way of their employees appealing to the Government if necessary and obtaining justice from them. In many cases where presidents of district boards or the standing committees of district boards and district municipalities have erred, when appeals were made to the Government, the appeals have been successful. It is not here a case of any reflection against the Corporation; it is a case where there may be an error of judgment or a misappreciation of the facts of a particular case or where the rights of the services have not been properly understood by the concerned authorities. In such cases, if an appeal comes up to an independent tribunal like the Government, it will be viewed from a different standpoint, i.e., from the standpoint of the services, and I am sure justice will be done. Therefore, Sir, I entirely support the motion that it is necessary that a right of appeal should be provided for those who get their pay from the revenues of the Corporation."

12-45
p.m.

* Mr. R. MADANAGOPAL NAYUDU:—"Sir, I rise to enter my protest against the insinuation my friend, Mr. Basu Dev, made against what is going on in the Corporation. He said that Mr. Sundara Rao Nayudu was blind to what was happening. I do not want to go into the details; but is he making that statement with any sense of responsibility which one would expect from a person . . ."

Mr. A. RANGANATHA MUDALIYAR:—"Is it not better, Sir, that the argument is confined to the amendment before us?"

* The Hon. the PRESIDENT:—"When a remark has been made, I think hon. Members have got a right to vindicate their position."

* Mr. R. MADANAGOPAL NAYUDU:—"I only said, Sir, that it was not fair, and I won't say more. The Corporation is certainly a very big administrative body; it may be that there have been a few faults or errors made here and there, but cases of suspension and dismissal have been very few. I have been in the Corporation, Sir, for nearly fifteen years now, and I know there have been only three or four cases like

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these. Mr. Basu Dev has after all got his organizations to deal with; I am sure in the management of those organizations he has come to know what the difficulties are in their management. That he should make such a statement as he has made is really regrettable.

“Then, Sir, I rose also to speak on the amendment, and I want to point out that the second proviso is absolutely unnecessary. In the first proviso Mr. Krishnayya Choudari proposes that there should be appeals against orders of dismissal from persons drawing a salary of more than Rs. 100. Under section 88, Government alone have the power to remove persons appointed under sections 85, 86 or 87 (3), and therefore the dismissal of such persons cannot be made by the Corporation itself; the appeal to Government in such case therefore is absolutely without any point at all. I thought the question of reversion from a higher to a lower cadre would probably come under the word ‘removal.’ There is another section also which relates to suspension, section 96, which says that ‘pending a resolution of the Council, the Commissioner may suspend any officer appointed by that authority, provided always that he shall forthwith report to the Council the reasons for his action.’ So that, any order of suspension which the Commissioner may pass is subject to a resolution of the Council. The first proviso indicates that the authority which appoints a person has the power to suspend him; and so, I think the second proviso is unnecessary.”

* The Hon. the RAJA OF BOBBILI:—“Sir, I do not see anything objectionable in principle in the amendment moved by my friend, Mr. Krishnayya Choudari, but I would only place a few facts before the House on the subject. Hon. Members are no doubt aware that before the Local Boards Act of 1930 was passed, there was an appeals committee in all the local boards and municipalities. That Act of 1930 however gave a right of appeal direct to the Government. The present position is that there are now about 81 municipalities, about 27 district boards and about 5,000 panchayats. The work of hearing appeals and passing orders thereon in regard to these bodies by the Government has assumed such dimensions that we find it very difficult to cope with the work even with additional staff. Government are considering various proposals as to how best to dispose of these matters expeditiously. The analogy of the local boards cannot apply to the Corporation of Madras because in the case of the Corporation, it is the Commissioner that first passes orders and over the orders of the Commissioner there is an appeal to the appeals committee. Of course if a person feels that he does not get justice at the hands of the appeals committee, it is now proposed to give a sort of second appeal to the Local Government. There may be cases in which the Commissioner’s order may be upset by the appeals committee. In such cases, is the Commissioner also going to be given a right of appeal to the Local Government? If we agree to the proposed proviso on the ground that owing to political influences or otherwise, the appeals committee’s decisions will not

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always be based on the merits of the case, then it follows, in order to be consistent, that we must provide for an appeal by the commissioner over the orders of the Appeals Committee. I am certainly in sympathy with the idea underlying the amendment that the employees of the Corporation should be given all possible protection against unjust treatment, but coming to the practical aspect of the problem, my only difficulty is that there is already an Appeals Committee. The question is: is it necessary to give a second appeal to the Local Government or would it not be sufficient if the second appeal is given to the whole Council? It is not quite correct to say that we are trying to place the Corporation employees in the same position as local board employees, because this Act already provides for an appeal, whereas in the case of the local boards there is no Appeals Committee, and the appeal must necessarily come to the Government. Therefore, as I said, if we want to give a right of second appeal, it must be given to both the parties. I should therefore like to know the views of those who are in favour of this amendment on this aspect of the question; at the same time, I may make the position of the Government clear, that they have no reason to believe that either the commissioner or the Appeals Committee has so far misused or abused the powers. If it is the general desire of the House, as I said, I have no objection to this amendment, provided the points raised by me are considered."

MR. P. V. KRISHNAYYA CHoudARI:—"Mr. President, the Hon. Minister has pointed out that there are already about 5,000 panchayats and a good number of municipalities and district boards in connexion with which the Government have already got to do heavy work. If we add this one Corporation to that list, I don't think there will be much of additional work. I hope the Corporation also won't dismiss its servants in such numerous instances as to necessitate a good number of appeals coming up to Government. The Hon. Minister wanted to give an opportunity to the commissioner to appeal to the Government against a decision of the Appeals Committee. I do not personally see why the commissioner should harass his employees by appealing against the order of the Appeals Committee, once a decision has been given. Still, if the Government want to give this right to the commissioner, I have no objection."

MR. T. B. RUSSELL:—"Mr. President, Sir, as I am in a way responsible for the drafting of the provisions of this Bill, may I ask the hon. Member from Guntur what exactly he means by this amendment? May I call attention to the extremely vague manner in which it is drafted? The amendment reads:

'In section 96, add the following provisos, viz.'

Then the first proviso comes in. Then the second proviso says:

'Provided further that any officer appointed . . .'

Now, I would ask the hon. Member from Guntur, would he make it perfectly clear in what place exactly in the existing section these provisos have to go? Is it his intention to provide an appeal direct from

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the commissioner to the Government, or is it his intention to provide for a second appeal after the Standing Committee has dealt with the matter? It seems to me, Sir, that both these points have to be cleared, in order to enable me, as one who is responsible for the final drafting of the measure, to get it into proper shape if the amendment is agreed to."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I am unfortunately not in a position to have a drafting department at my back, as my friend over there has. We have amended so many sections of the Bill in the Select Committee. I do not know with what responsibility he prepared the Bill in spite of having so many assistants. However, Sir, if there is any fault on my part in the drafting of this amendment, I feel sorry for my incapacity. I hope the hon. Member representing the Government with his adequate staff will assist me and correct the amendment. The second proviso clearly says that a second appeal should be provided. It does not seem to be so ambiguous as pointed out by my friend, because it specifically says: 'from the date of the order passed on the *first appeal*.' I have simply expressed my idea in the amendment, and I have no objection to the correction being made as suggested by the hon. Member.

"The Act provides that officers drawing Rs. 2,000 and Rs. 1,500 may be appointed by the Corporation, but if they are to be suspended or dismissed, there is no appeal to the Government. I want, in my amendment, that such an appeal should be provided for. If a gazetted officer, say a Deputy Collector, is suspended or censured, there will be a lot of enquiries made, and safeguards will be sought to be provided in his case. I do not know why a similar officer of the Corporation drawing Rs. 1,500 or Rs. 2,000, when he is suspended, should not have a right of appeal to the Government. I do not think the Corporation will deal with its officers so drastically; but still, we are providing only a safeguard in the Bill. That does not mean that we are in any way taking away the powers of the Corporation. I therefore appeal to the members of the Corporation in this House not to feel that this amendment seeks to take away the Corporation's powers and vest them in the Government. The amendment only seeks to meet an emergency and enable a just decision being come to. In most cases there may not be any necessity for appeal and in some cases, there may be occasion for the Government to agree with the decision that the Corporation authorities might have come to. With these observations, I appeal to the House to accept my amendment. I have also no objection to accept the amendment proposed by the Hon. the Chief Minister that the Commissioner of the Corporation also should have a right of appeal."

1 p.m. Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, the hon. the Mover of the amendment has readily accepted the suggestion made by the Hon. the Chief Minister. May I point out the anomaly in this? What will happen if this is accepted is, if an employee is to have a right of appeal from the decision of the Standing Committee to the Government, it is equally necessary that the Commissioner whose order is

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upset by the Standing Committee, should also have a right of appeal to the Government. That, I think, is the position taken up by the hon. Member from Guntur. Does it not lead to this, that the Commissioner who is himself, as it were, a judge, and whose decision is upset by the Standing Committee, becomes a party and appeals to the Government against the orders of the Standing Committee. That is, he descends from his position as an arbiter or judge and becomes a party because his decision is upset by the Standing Committee. Again, does the hon. Member from Guntur feel that he is doing a service to the employees of the Corporation? It may be the Commissioner may dismiss an employee, but the Standing Committee may soften the rigour of that order by suspending the employee for a period of few months. Then, if the suggestion of the hon. Member from Guntur is accepted, if the employee appeals to the Government against the orders of the Standing Committee and the Commissioner also appeals to the Government, the result will be the Government may consider that the original order of dismissal of the employee was correct and not the less drastic order of the Standing Committee that he may be suspended for a few months. That being the case, does the hon. Member from Guntur feel that he is doing a service to the employees by accepting this suggestion? "

Mr. C. BASU DEV:—" Sir, if I understood aright, the Hon. the Raja Saheb suggested that independent of the appeal, the Commissioner also should have a right of appeal."

* Sriman M. G. PATNAIK Mahasayo:—" Mr. President, Sir, now certain punitive powers are given to several officers to punish their employees. For instance, we have got the Madras Act III of 1895 under which the Tahsildar punishes village officers, or the Divisional Officer punishes village officers and the Collector has also got such powers. For the Collector or the Tahsildar or the Revenue Divisional Officer ought not to be allowed to prefer an appeal to the Board of Revenue. Except in civil cases that is generally done. Supposing there is an acquittal of an accused, even in criminal cases, except the Government, the complainant has no right of appeal; and Government only interfere in very extraordinary cases where some question of principle is involved or the order is so very perverse. It is only very rarely even Government resort to such powers. Therefore, such powers should not be given to the complainant to prefer an appeal against an order of acquittal or reduction of punishment. Therefore it would be a retrograde step and it will go against the provisions of the several Acts in force if such powers are given."

* The Hon. the RAJA OF BOBBILI:—" The real point I made out was that if we have a second appeal, it will lead to all sorts of difficulties. It is not a question of the Commissioner preferring an appeal. What I said was, if the Commissioner feels that any order which in his opinion is correct, has been upset by the Appeals Committee and if the power of appeal is proposed to be given to the Local Government

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for the first time, the Commissioner also must have the right to bring the various aspects of the case before the Government. The simplest course that appears to me is to give a discretion to the appellant whether he would appeal to the Local Government or to the Appeals Committee; and if we are to have a series of appeals and second appeals, I am afraid the remedy will become very complicated."

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, from a strictly logical point of view, there is something to be said about the point raised by the Hon. the Chief Minister. I hope you will bear with me when I point out that it is rather inadvisable that the Commissioner should be encouraged to prefer an appeal against the decisions of the Standing Committee. Sir, rightly or wrongly we have associated this officer with the Corporation. It is also our policy that both of them should work harmoniously as far as possible. If you introduce a clause of this nature, the tendency on the part of any person whose orders have been upset by somebody else will be to go up to the highest authority and see if the original order passed by him cannot be restored. That would not promote harmony between the executive officer and the Corporation. As has been pointed out by my hon. Friend, Mr. Patnaik, generally Government do not encourage appeals against orders of acquittal. I think it would be satisfactory if we adopt the same policy here also and not add complications. If, as a result of experience Government find that a provision of this sort suggested by the Hon. the Chief Minister is necessary, it will be time enough then to consider the question, but at present it is just enough if you give such powers of appeal only to a limited number of aggrieved people. Otherwise, it will be courting trouble between the Corporation and the Commissioner which will not lead to harmonious working. I would like to say one more thing and that is my hon. Friend, Mr. Choudari, is prepared to omit the second portion of his amendment."

* The Hon. the RAJA OF BOBBILI:—"Sir, I am not insisting that you should make a provision for a right of appeal on the part of the Commissioner. What I wanted to say was that there will be difficulties in having a second appeal; and if one party is to be given a right of appeal, it is but right that the other party also should be given that right. I have also suggested as an alternative that the individual aggrieved may be given a right either to appeal to the Local Government or to the Appeals Committee. Apparently, my suggestion is not acceptable to the various Members of the House, and I have no objection to accept the amendment, provided the second part of it is omitted."

Mr. P. V. KRISHNAYYA CHODARI:—"Mr. President, Sir, the object of moving the second part of my amendment is that in the case of persons drawing a salary of Rs. 1,000 and so on, if they are suspended, there should be a right of appeal to the Government. As it is, the first portion of the amendment deals only with persons drawing more than Rs. 100. But the second part of the amendment deals with persons who are appointed under section 85 and who are drawing, say, Rs. 500,

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Rs. 1,000 or Rs. 1,500. If such persons are suspended, I want to provide for an appeal in their case also. If the House thinks that we need not provide any safeguard for such persons like the Electrical Engineer, Educational Officer and such other officers, and if the Hon. Minister also is not for accepting it, I have no objection because I cannot help it."

* The Hon. the PRESIDENT:—"I do not understand what the hon. Member means by saying 'I cannot help it'; I want to know whether he withdraws his amendment."

Mr. P. V. KRISHNAYYA CHOUDARI:—"If the Hon. Minister refuses to accept the amendment, I have no objection to withdraw it, Sir."

* The Hon. the PRESIDENT:—"I will now put the first portion of the amendment to the vote of the House. The question is:

'In section 96 (2) add the following proviso, viz.:—

"Provided that any officer or servant in receipt of a salary of more than Rs. 100 may appeal against the order of dismissal to the Local Government within a period of one month from the date of the order on the first appeal." "

The motion was carried.

The second portion of the amendment was by leave withdrawn. Clause 49, as amended, and clause 50, were put and carried.

Clause 51.

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, I beg to move the following amendment:—

'In sub-clause (ii), omit the words "with the previous sanction of the Local Government."'

"This is but a simple amendment. My only contention in support of this amendment is that while the Corporation has the power under section 98 of the Madras City Municipal Act, to levy property-tax, a tax on companies, a profession tax, a tax for general purposes, water-tax, drainage-tax and so on, it should have a similar power in levying a tax on advertisements. Though I am for the separation of judicial and executive functions, still I find the amended Bill seeks to curtail the powers of the Corporation and has whittled down to a very large extent the powers already possessed by the Corporation and this sub-clause (ii) further seeks to curtail its powers in the matter of levying taxes on advertisements. Therefore, I move this amendment, that the Local Government should not interfere in the matter of levying taxes on advertisements."

Mr. V. T. ARASU:—"Mr. President, I rise to second the amendment moved by Mrs. Lakshmipathi. As has been pointed out by Mrs. Lakshmipathi, under section 98 of the City Municipal Act, the Corporation is given power to levy a property-tax, a tax on companies,

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a profession-tax, a tax on carriages and animals, a tax on carts, a tax on timber brought into the City, and also a tax on advertisements. Sir, it is strange that in the case of the last-mentioned tax alone, namely, a tax on advertisements, Government insist by means of the amending Bill on previous sanction of the Government being obtained. It is puzzling to find why Government inserted this provision for the previous sanction of the Local Government in the case of a tax on advertisements alone. I think the House will realize that a tax on properties and a tax on companies are much more important than a tax on advertisements. Whereas in the case of such important taxes as the property-tax and companies-tax and profession-tax, no such previous sanction is insisted upon, why in the case of a minor tax on advertisements, which after all is not going to get any considerable revenue to the Corporation, should Government insist on previous sanction being obtained? Unless Government come forward with any substantial reasons as to why they have inserted this provision, I think, the amendment of Mrs. Lakshmiopathi should be accepted by this House."

1-15
p.m.

* The Hon. the RAJA OF BOBBILI:—"The only ground is that before a new tax is levied, the Corporation should take the permission of the Local Government. I do not see any objection why the matter should not be brought to the notice of the Government before any new tax is levied."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, I am unable to appreciate the arguments of the Hon. the Chief Minister. The Government have accepted the principle that this new tax has to be levied. By passing this Act you are going to accept the principle. Then where is the necessity for the Corporation again to come up to the Government for previous sanction? It is just on a par with the property-tax which does not need the previous sanction of the Government."

* Mr. C. BASU DEV:—"Mr. President, the rules regarding the new tax are so complicated that even at the time that we were discussing this particular tax, we were in considerable difficulty in satisfying ourselves that the provisions were practicable. Even now there is considerable doubt in the minds of hon. Members of the Select Committee on this Bill as to the practicability of the working of this provision.

"That apart, Sir, I do not think there is anything derogatory to the Corporation if they are to seek the permission of the Local Government. On the other hand they ought to welcome the help of the Government in the application of this new and complicated tax. The provision only says that a tax can be levied. There may be rules and instructions which the Government with their wider and greater experience of things of this sort may issue to help the Corporation. I do not know why hon. Members of the Corporation, or those defending the Corporation, feel that they are being insulted or that there is anything derogatory to the dignity of the Corporation."

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Sriman M. G. PATNAIK Mahasayo:—"It is stated that this is a new tax; and apparently Government want to see how the powers given to the Corporation will be exercised. It is quite possible some discrimination may be made by the Corporation in such cases and it is necessary that there should be some control. A discrimination between communities is possible. There is absolutely no reason why the matter should not be brought to the notice of the Government so that the Government may be satisfied that the powers are properly exercised by the Corporation."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, my hon. Friend, Mr. Patnaik, said—or rather feared—that the Corporation may not use this power regarding the levy of tax with discretion. I fear that the hon. Member had at the back of his mind the idea that the Corporation would unduly levy taxes on advertisements undertaken by Europeans and treat them with partiality. That is exactly the reason why I gave notice of this amendment, namely, that the Corporation must have the entire discretionary power to levy its own taxes, whether it is a tax on property, profession-tax or tax on advertisement. The Corporation knows how best to levy a tax in its own interests. Therefore, this power should vest in the Corporation and not in the Government which may abuse its powers if it were a party Government."

The motion was put and lost.

* Mr. C. BASU DEV:—"Mr. President, I beg to move—

'In sub-clause (ii), add the following at the end:—

"(h) 'a poor tax' at a rate to be fixed by the Council."

"I shall have no objection if the word 'tax' is altered into 'rate.' My object is that some form of taxation should be levied for the purpose of finding funds to relieve the poor. In England the administration of the poor law is the basis of Local Self-Government. So much credit is claimed for the Corporation for its efficiency and usefulness and it is in keeping with that claim, that we should introduce a poor rate, to help the Corporation to find funds to relieve the distress of the poor, the infirm and the sick. Sir, some years ago, sitting in this Council the Maharaja of Pithapuram moved a resolution for the appointment of a committee to find ways and means by which relief to the poor may be afforded. On account of the depression, the Government were not able to find money even to defray the expenses of this Committee much more so to meet the expenditure involved in giving effect to its recommendations. I am aware that the object of the amendment, maintenance of poor houses, is included among the items of expenditure of the Corporation funds."

The motion was duly seconded.

* Mr. T. B. RUSSELL:—"Section 98 of the Act says that the Council may levy a property-tax, a tax on companies, a profession-tax, a tax on carriages and animals, a tax on carts, a tax on timber brought

[Mr. T. B. Russell] [6th November 1935]

into the City and a tax on advertisements. If to the foregoing items this item, namely, the 'poor-tax' were to be added, it seems to me that the tax would fall on the poor. It is therefore not the place where the amendment should find a place to secure the object of my hon. Friend."

* Mr. C. BASU DEV:—"I am not able to understand the point of order of my hon. Friend, Mr. Russell. My amendment is for a 'poor-tax' within quotation marks. This rate may be collected by an additional percentage on the property-tax. We have in the expenditure section provision by which funds can be expended if funds are available for the maintenance of poor houses. The amendment is to provide the necessary funds. The Corporation has not at its disposal sufficient funds at the present moment. The Corporation has a duty towards the poor and it must find funds to carry out that sacred duty even if it be by increasing the percentage of tax on property. We are not sufficiently advanced to levy a poll-tax. As it is charity in this City is unorganized with the result that it flows into unprofitable and wasteful channels. If we could pool these voluntary charity by the imposition of a poor-rate, I think we shall be taking a step in the right direction and finding funds for the maintenance of an adequate number of poor houses in efficient and proper condition. It is with that idea that I move this amendment."

* Mr. M. DEVADASAN:—"The system suggested by my hon. Friend is not foreign to civilized countries. The maintenance of poor houses obtains in England. The hon. Secretary is aware of that. There is provision not only for rescuing the poor but also for meeting their needs. In this City large number of people live in conditions which are quite unhealthy and insanitary. They are a danger to the health of the City and are an eye sore to the people in the locality. It is absolutely necessary that there should be some provision for accommodating them and catering to their needs. When my hon. Friend suggested that there ought to be a poor-rate, he never meant that there should be a tax levied on the poor; but on the other hand he wanted to levy a tax as a separate item. In the clause it may be placed as '(i) or (j) a tax for the relief of the poor.' The village pattadars pay such taxes as the village-cess, the education-cess, etc., when they pay also revenue to the Government. When that is the case, why should not a rate be collected for the relief of the poor? I do not mean to suggest that Peter should be robbed to pay Paul. It is not like that. When the health of the City is endangered, it is the duty of those better placed in their own interests to look after the poor. I hope the House will carefully consider the matter and would give its assent to a tax which would go to relieve the suffering of the poor and thus every one of us will show ourselves to be a humanitarian in spirit and service. On these grounds I support the amendment."

The House adjourned for lunch.

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After Lunch (2-30 p.m.)

Rao Bahadur P. C. MUTHU CHETTIYAR spoke in Tamil, of which the following is an English summary:—

“He said that he was glad to have an opportunity of speaking on behalf of the poor. Day in and day out the Government were busy bringing forward Acts and Bills with which he was not at all satisfied. If at all the Government wanted to help the poor they must organize poor houses and bring in a separate Bill. If this had been done by the Government, he would support this amendment. Not only the Government should come forward with a substantial grant, but the hon. Members of this House also should sacrifice a good part of their allowances which they drew in the shape of travelling allowances, etc. But when a poor house, on the model of the English poor houses was established, begging in the streets should be entirely prohibited. In the absence of such an Act, he was constrained to oppose the amendment of Mr. Basu Dev.”

* Mr. G. R. PREMAYYA:—“Sir, we cannot deny that we have poor people in this presidency. I think we have a large population of poor people in our city and also, Sir, our charity is not organized. The rich people in our country do not care for the poor and I believe the Government also do not care for the poor. Institutions like our Corporation and municipalities have no care for the poor and they say that they have no money to look after the poor. Especially in Madras City, Sir, we see a large number of poor people living in the verandas and such other places in the streets. Such people must be taken care of by the Corporation. My hon. Friend Mr. Basu Dev wants to levy a tax as ‘a poor tax’ to enable the Corporation to run poor houses. It is the poor people living on the verandas and streets who contract disease. That disease does not stop there. It reaches even the rich people and they naturally spend money. They could not grudge spending money if thereby the cause of contamination was removed. So, Sir, there are very many reasons why this taxation is a necessary and a just one.”

* Mr. BASHEER AHMED SAYEED:—“Sir, I find that the amendment which I gave notice of was passed over owing to my absence. I am sorry that I was not in my place when that amendment came before the House. I rise now to support this amendment for the very same reason. In this City of Madras it has become a big problem to house the poor, to look after the poor and also to give them medical aid. The number of poor people who are wandering in the streets is growing day to day and I may say for the information of this House that particularly in certain communities beggary has become their very profession and unless and until we are going to take care of the indigent poor I do not know, Sir, how our social status will improve. In fact the number of people that are seen at public places, bus stands, hackney-carriage stands, cart stands and tramway stops who are indigent, poor and not able to make their living is appalling. In other countries which are

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advanced, in at least those which claim to be advanced, there are sufficient arrangements made for clothing and feeding the poor. In the City of Madras out of charities the Corporation is running a poor house.

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p.m.

“ But that poor house is not popular simply because beggary in public streets and from house to house brings them more advantages and facilities and keeps them at large also. On that ground although we have more accommodation in the poor house the indigent and neglected and the disabled will not go there because to beg in public streets brings them a variety of food and more money and enables them also to be free. The problem of workhouse is more important and is growing to be more and more urgent and until and unless the Corporation is enabled to find funds for this, the problem will not be solved. A law to prohibit beggary is also very essential. It is therefore necessary that we ought to enable the Corporation to levy a tax when they think it fit and that too with the previous sanction of the Government, if the Government so pleases, for establishing a workhouse and a poor house. The first is to give work to those who are unemployed and go about begging and the other to give food and medical treatment to those who are in need of such help being disabled and unfit. One of the greatest impediments in the way of the Corporation in solving this problem is the want of funds, the absence of a law and any amount of appeals to the public to solve this problem will not be of any avail. Very few people nowadays are to be found who will be inclined to come to the rescue of the Corporation. It will be meet and fair that the Corporation should have power to levy a small tax with a majority vote. The workhouse requires a proper building, the workhouse requires an equipment, the workhouse requires an establishment and supervision and all those things which are concomitants thereof. Without adequate funds these cannot be had and if we were to mainly depend upon the charity of others it will be well nigh impossible for the Corporation even in the course of fifty years to solve the problem. The duty has become insistent and we cannot any longer resist this necessity. This is a great duty which is cast upon any Corporation or civic body. I therefore hope that the House will not object to this levy of tax or such other tax as the Government may think it right or give power to the Corporation to raise. I therefore support the amendment.”

* Diwan Bahadur C. NATESA MUDALIYAR :—“ Mr. President, I am glad that my friend Mr. Basu Dev has brought this amendment. But our Corporation Act allows us to set apart a portion of its revenues for poor house and other philanthropic works. We have already property-tax, water-tax, light-tax, drainage-tax and education cess. We are going to have advertisement tax also. Of course this affects only a certain class. The general tax affects all sorts of people. To make a poor house worthy of being maintained two Acts are necessary—a Leper Act and a Beggar Act. Without these things it is impossible for the Corporation to maintain a house. Then Mr. Siva Raj suggests the Removal of the Superstition Act. In the poor house maintained by

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the Corporation, inmates are fed well and they are having a feast almost every day. With all that the inmates will not stay there. There was a time when lorries were sent out to pick up poor people and bring them to the poor house and yet they will not remain there for a long time. If they want to retain them in a poor house, an Act is necessary. I request Mr. Basu Dev to withdraw this and ask some of the councillors of the Corporation to vote for more funds. We are having about hundred beggars to-day. Let us have 200. Let us have a building for them and in the present poor house inmates are to have comforts more than what middle class people are enjoying in their own houses. There is a medical man always attending on them. The medical man is the superintendent. If you ask the inmates they say volumes about the comforts they are having. Yet our vagrant beggars will not go in. On the other hand, as hon. Member Mr. Basheer Ahmed Sayeed said, they like loitering and getting money by begging instead of enjoying the comforts of a house. Poor house people wanted tobacco as a luxury. The Corporation supply them with tobacco and give them such luxuries. And yet they will not remain there. That means a Beggar Act is a necessity. Not only that, but a Leper Act also, and leper beggars must not be allowed in a beggar home. There must be a separate home for them. In our programme of relief there must be a beggar home and there must be a leper home and Corporation should look to it. Agitate for these two homes. Corporation get nearly fifty lakhs as receipts. Cut off half the pay of the various employees there except the people in the lower grade and utilize the amount thus gained for maintaining these homes. How can you tax people? There are already numberless taxes. I do not know how many more are going to come into existence if Mr. Basu Dev's resolution is to be accepted. I am for relieving the poor. Let us earmark certain portion from the Corporation funds for leper and beggar homes. I am trying to get five beds in a home for lepers but Corporation will not sanction. Let the Corporation Councillors look to that. The lepers are a menace to the City. There are Annadana Samajams in the City and they like to go there. Out of ten beggars near an Annadana Samaj five happen to be leper beggars. That is the condition. Induce the Councillors of the Corporation to see that a bigger beggar home and also a leper home are established and request Government to bring in a Beggar Act and a Leper Act."

* Sriman M. G. PATNAIK Mahasayo:—"I entirely agree with my hon. Friend Mr. Natesa Mudaliyar; it is absolutely necessary that some measure of compulsion should be employed to take these beggars into the poor house. Otherwise there is no use of raising money for these beggars. In this country, for some reason or other, begging is a profession. Therefore most people like to beg in the streets rather than live in a poor house subject to the control of others. Unless the poor people can be forced to live in a poor house there is no good of raising any money for the benefit of these people. From the

[Sriman M. G. Patnaik Mahasaya] [6th November 1935]

statement of both my hon. Friends Mr. Basu Dev and Mr. Natesa Mudaliyar, we find that the poor house maintained by the Corporation is not popular. In that case what is the good of raising money by further taxation? So the best thing is to introduce a Bill to compel these people to live in a poor house and then you can resort to further taxation. Until this is done I do not think this amendment could be accepted."

* Mr. T. SUNDARA RAO NAYUDU:—" Mr. President, I rise to oppose the motion moved by my hon. Friend. My reason is this. Under the existing Act as amended by the Select Committee, we have got sufficient provision to allow whatever my hon. Friend wants without recourse to fresh taxation. Under schedule V, it is stated: the provision, and maintenance of rest-houses, choultries, alms-houses, poor houses, homes or settlements for beggars, work-houses, infirmaries and children's homes, etc. These are some of the various items of authorized expenditure which are mentioned in the Act. If my hon. Friend wants that sufficient money has to be set apart from the Corporation funds we can do so as the Act stands. There is no necessity for a new or fresh taxation to be imposed on the people separately. If a poor tax is to be levied, on whom is it to be levied? That is a thing which has to be taken into consideration. We are suffering under heavy taxation. My hon. Friend who does not seek elections and comes into this House by indirect method can easily talk anything he likes and cast aspersions on others and indulge in all those sophistical arguments. What about those who have to stand for elections? Does he stand any chance with this tax at his credit? He is leaving that aside. The poor house in this city which has been started by my revered father is not very successful on account of this fact, that the inmates of the poor house want more luxuries like smoking and drinking. Certain things are allowed even now. We are giving them a little bit of tobacco and snuff. They want hot drinks, and toddy or liquor which they were indulging in outside. If they cannot get them here they get out of it. If you really want the poor house to be successful you must amend the City Police Act. According to the provisions in the existing City Police Act they can only prosecute and take them to the Magistrate and have them fined or sent to jail. They cannot force the beggar to go to the poor house. There is no use in sending them to jail. It is quite a different thing in England. In England the poor laws were started in the 17th or 18th century and there are rules and regulations. It will take a long time for the Corporation to launch upon schemes of this sort. You must first amend the City Police Act. Bring in certain measures by which we can compel these people to live there and then you can make provision for taxation. With these remarks, Mr. President, I oppose the amendment."

3 p.m. * Rao Sahib N. SIVA RAJ:—" I am in entire sympathy with the objects contained in the amendment. Whether elections or no elections, there can be no two opinions as to the necessity of giving relief to the

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poor not merely in the City of Madras but to all people throughout the presidency by raising a tax. The difficulty seems to be that this problem will not be solved by a piecemeal legislation of this kind. By an amendment of the Madras City Municipal Act as proposed in this amendment, we are not going to solve this problem. I really feel that any step taken in the direction of having a poor law ought to be not merely for the people of the City of Madras but also for the people of the whole presidency. In the second place, it ought not to be possible only for the Corporation of Madras to raise this tax. It ought to be also possible for the local boards and district boards and mufassal municipalities to raise this tax. So I suggest that in addition to the difficulties in the actual working of these poor houses in the City of Madras, the matter has to be gone into in greater detail and only after that it would be possible to bring in a legislation to raise this poor rate. So, I would join my hon. Friend Dr. Natesa Mudaliyar and request my hon. Friend Mr. Basu Dev to withdraw his amendment."

* The Hon. the RAJA OF BOBBILI:—"The matter has been thrashed out sufficiently by several hon. Members who have spoken on the subject. The Corporation even now within its financial limits are adopting such measures as they deem fit for giving relief to the poor. So I think no useful purpose will be served by giving power to the Corporation to levy an additional tax called the poor tax. Moreover, it has been pointed out that the amendment, as now drafted, does not fit in very well with the section. In the Select Committee this question was carefully considered as to whether we could extend the scope of the objects on which the Corporation's monies could be spent and as a result of that we have added in the Bill leper settlement, work houses, infirmaries, etc., as objects for which the Corporation could spend their monies. More than that it will not be possible in the public interests to do, without having a proper provision by legislation to control begging and also control persons suffering from infectious diseases. Therefore I have to oppose this amendment."

* Mr. C. BASU DEV:—"I am very glad to note that in the discussion of this amendment, there has been considerable sympathy expressed for the poor and if anybody has made out a case for the acceptance of this amendment it is those like my hon. Friends Messrs. Natesa Mudaliyar, Basheer Ahmed, Patnaick and others who have expressed their sympathy for the poor but yet opposed it. Dr. Natesa Mudaliyar and others have very properly drawn the attention of this House to the fact that without a Beggar Act it is not possible to conduct beggar homes satisfactorily. These observations of my hon. Friends, I very much request the Hon. the Home Member who is in charge of these matters and who expressed his intention to oppose my Beggar Bill, to kindly note and at the next meeting when I move for the reference of my Bill to the Select Committee to come forward and support me. Hon. Members will remember that on the last occasion I did not deliberately move

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for the reference of the Bill to the Select Committee because of the governmental opposition as I did not want my motion to be defeated. I have thus kept alive my Bill. I am glad to hear that the Hon. the Home Member never had an idea of opposing it and we shall soon, therefore, have proof of his support and sympathy."

The Hon. Rao Bahadur A. T. PANNIRSELVAM:—"The hon. Member withdrew the Bill and I therefore had no opportunity of having my say."

* Mr. C. BASU DEV:—"Sir, I may I take this as an assurance of the Hon. the Home Member that on the next occasion when I move to refer to Select Committee I will not only have his sympathy but active support and that he will allow the Bill to be referred to the Select Committee? Sir, with your permission I would like to indulge in one remark which is not absolutely relevant to the issue . . ."

* The Hon. the PRESIDENT:—"The hon. Member presumes that his remark is going to be irrelevant."

Mr. C. BASU DEV:—"It is relevant in one way and irrelevant in another way. It is relevant because my hon. Friend from Egmore said that I could never expect to represent any division through election. I only want to invite his attention and the attention of this hon. House to the fact that when in 1927 I contested for the seat at Royapetta, I was defeated only by 20 votes. I am very sorry to hear the remarks of my hon. Friend Mr. Sundara Rao who indulges in levity. My fight against the solid front of the congress single-handed has become classic and I would refer Mr. Sundara Rao to the leader of his own paper, the *Justice* of that date. I hope my hon. Friend from Egmore will disabuse his mind of such impertinences. That is only by the way."

"Hon. Members who have spoken on this amendment have stated that a Beggar Act is an absolute necessity and that I should come forward with a Beggar Bill."

* The Hon. the PRESIDENT:—"Ordinarily the reply of an hon. Member after having moved his amendment should be short. If the hon. Member is willing to canvass support for his Beggars Bill, I wish he postpones it to some other occasion."

* Mr. C. BASU DEV:—"I would certainly have been very short but for the fact that the hon. Members who have opposed this amendment expressed a desire unsupported by any logic or argument that I should withdraw my amendment. I therefore thought that I should make an effective reply. One hon. Member said that without a Beggar Act there is no meaning in having a provision for levying a poor tax. May I point out that on the last occasion when I made a request to the Government and to the Hon. the Chief Minister to support me when I moved the Beggar Bill be referred to Select Committee they were not pleased to do so on the ground that there are not sufficient funds. Sir, the

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way in which some hon. Members argued seems to me that we are going round a vicious circle, and such arguments putting one condition before the other as it suits the particular position, serves no one and no purpose.

"One other argument that was advanced in opposing my amendment was that the Corporation is by statute given power to increase its tax. With regard to the remarks of some hon. Members and also the Chief Minister that the Corporation has ample funds and it is lawful to spend out of municipal funds to maintain beggar homes and institutions of that sort, I may say that I am aware of it. Sir, if you look at the way in which the Corporation spends money for these purposes you will find that they are spending very little money. The Corporation at the present day maintains the grand number of 125 beggars. Therefore we say that a poor tax should be levied by the Corporation to enable them to adequately meet this item of expenditure. I hope the expert member of the Corporation will enlighten us as to the financial position of the Corporation and whether it is possible for the Corporation to set apart sufficient funds for giving adequate relief to the poor. In the absence of a statement from the responsible authority of the Corporation, the Commissioner, that it has funds at its disposal to give adequate relief to the poor, this house has a right to draw the inference that there are not sufficient funds.

"Sir, my hon. Friend from Egmore has stated that the levy of a poor tax will be an additional burden on the poor rate-payers. The levy of a half per cent property tax would amount to 9 pies or so per half year for a man who pays Rs. 10 half yearly. I can assure my hon. Friend from Egmore that these rate-payers would be quite willing to pay this 9 pies more for the sake of their less fortunate sisters and brethren. I should tell my hon. Friend from Egmore that we are not concerned with the result on elections which this tax may have. We will have to do our duty. If we consider that it is our duty to levy this tax for the sake of giving relief to the poor, we must agree to levy such a tax whatever may be the consequences of such legislation to members at the elections."

The amendment was put to vote and lost.

Clause 51 was put and carried.

The Hon. the RAJA OF BOBBILI:—"I submit, Sir, that we should take up the clauses which have been postponed this morning."

Clause 4.

Discussion on Mrs. A. Rukmani Lakshmi pathi's amendment * to sub-section (i) (a) was resumed.

Mrs. A. RUKMANI LAKSHMIPATHI:—Sir, in view of the fact that Mr. C. R. Reddi has not been able to attend the session this afternoon,

* In sub-section (i) (a), add the following words at the end:—
'and one specially reserved for Anglo-Indians, the Adi-Dravida, Labour and Anglo-Indian seats to be filled by election through joint electorate.'

[Mrs. A. Rukmani Lakshmipathi][6th November 1935]

may I make a personal request to the Hon. the Chief Minister to have this particular item on the agenda postponed for to-morrow."

The Hon. the RAJA OF BOBBILI:—"I am sorry I am unable to accede to the request of the hon. the Lady Member. As the House is no doubt aware, this question is being postponed from time to time. The other day we had it postponed for two days and this morning we had it postponed for this afternoon. I find that even during these intervals no attempt has been made to solve the problem. Hon. Members will find it a great handicap to deal with those sections of the Act which have got a bearing on this section, if this section is not disposed of. I therefore submit that if we are to transact business expeditiously, it is necessary to take up this clause now."

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p.m.

* Mr. C. BASU DEV:—"Moreover, on this amendment, Mr. C. R. Reddi has already made a speech and even if he were here he would not be able to participate any further."

* The Hon. the PRESIDENT:—"I can allow a postponement only if there is general agreement. Since there is no general agreement I cannot allow postponement."

* Rao Sahib N. SIVA RAJ:—"Mr. President, Sir, I am sorry I was not able to be here when my hon. Friend, Mrs. Lakshmipathi moved her amendment and later tried to get the representatives of the depressed classes to come to an agreement on this question. I was glad that in my absence an agreement was attempted but unfortunately they could not come to an agreement, for the simple reason that the depressed classes feel more than ever that the farther apart they are from the caste-Hindus the better it will be for their development as a community. That reason was urged very strongly during the last few days in trying to come to an agreement on this amendment. Sir, keenness has been added to this question on account of the recent developments in Bombay, chiefly owing to the announcement of Dr. Ambedkar, and we find that the scope for development is assured more, politically speaking, through the means of separate electorates than through the method suggested by my Friend. I can also imagine to myself the kind of arguments that would have been brought forward in support of the amendment. In any case there is not going to be anything new. There will be advanced just the same kind of arguments and just the same number of arguments that were advanced before in favour of joint electorates minus probably the epic fast of Mahatma Gandhi. Except those members who have already spoken in favour of joint electorates, the other Members of the depressed classes, are against this amendment."

Mrs. A. RUKMANI LAKSHMIPATHI:—"The other Members representing the depressed classes in the Council have not expressed their views."

* The Hon. the PRESIDENT:—"The hon. Member has spoken on behalf of the other Members of the depressed classes sitting behind. I think the House is ready for a vote on this question."

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* Mrs. A. RUKMANI LAKSHMIPATHI :—“ Mr. President, I should like to make a short statement in connexion with the attempt that both Mr. C. Ramalinga Reddi and myself made in order to bring about an amicable and agreed settlement regarding joint electorates for the depressed classes. Yesterday, Mr. C. Ramalinga Reddi and myself met the representatives of the depressed classes in the Legislative Council and strained every nerve of ours to make those representatives agree to the system of joint electorate, because we felt that if the depressed classes were returned through the method of joint electorates their interests would be served much better than if they were returned through the system of separate electorates. When the congress and every other shade of political opinion are trying to bring the caste-Hindus and the depressed classes closer and closer and bring them into better contact with each other, the representatives of the depressed classes have not come forward to help us in the attempt that the congress is seriously making to help the cause of the depressed classes, thereby to remove the curse of untouchability. I am really very sorry to note that important representatives like Mr. Siva Raj, though they are cultured and educated, are adamant. They do not see the reasonableness of the proposal. The leaders of the depressed classes have been a party to the Poona Pact. As Mr. Siva Raj himself said yesterday, he was one of those responsible for saving the life of Mahatma Gandhi. But now he goes directly contrary to its spirit, notwithstanding the fact that he himself was a party to the signing of the Poona Pact. I do not see any reason for the motives which have actuated the hon. Member, Mr. Siva Raj to change his ideas in favour of separate electorates. The hon. Member has not in any way made his position clear. He has not told the House how the interests of the depressed classes would be better served through separate electorates rather than by joint electorates. I should like him to explain himself more clearly. I appeal to the Members of the depressed classes to agree to my amendment.”

Mr. G. R. PREMAYYA :—“ I want to say one word, Mr. President.”

* The Hon. the PRESIDENT :—“ We have had enough discussion on this amendment for a very long time. I cannot allow any more discussion.”

Mr. BASHEER AHMED SAYEED :—“ As a representative of Andhra Desa, you might give him a chance, Mr. President.”

Mr. G. R. PREMAYYA :—“ Yes, Mr. President, I was not able to catch your eye on a former occasion.”

* The Hon. the PRESIDENT :—“ The hon. the Lady Member herself who moved the amendment belongs to Andhra Desa. I shall now put the amendment to the vote of the House.”

The following amendment was put to the vote of the House and declared lost :—

“ In sub-section (1) (a) of section 5, add the following words at the end :—
‘ and one specially reserved for Anglo-Indians, the Adi-Dravida, Labour and Anglo-Indian seats to be filled by election through joint electorate.’ ”

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A poll was demanded and the House divided thus:—

Ayes.

- | | |
|---|---|
| 1 Mr. V. M. Ramaswami Mudaliyar. | 11 Mr. V. P. Narayanan Nambiyar. |
| 2 Dr. P. Subbarayan. | 12 „ G. Rameswara Rao. |
| 3 Mr. T. C. Srinivasa Ayyangar. | 13 Mrs. A. Rukmani Lakshmipathi. |
| 4 „ Basheer Ahmed Sayeed. | 14 Mr. U. C. Subramanya Bhatt. |
| 5 „ T. S. Ramaswami Ayyar. | 15 „ K. P. Raman Menon. |
| 6 „ V. T. Arasu. | 16 „ G. R. Premayya. |
| 7 Rao Bahadur P. C. Muthu Chetti-
yar. | 17 Rao Bahadur R. K. Venugopal
Nayudu. |
| 8 Mr. Ahmed Meeran. | 18 Mr. K. Koti Reddi. |
| 9 „ K. A. Nachiyappa Gounder. | 19 „ P. V. Krishnayya Choudari. |
| 10 Rao Sahib V. I. Muniswami Pillai. | |

Noes.

- | | |
|--|--|
| 1 The Hon. Rai Bahadur Sir K. V.
Reddi Nayudu. | 21 Mr. D. M. Reid. |
| 2 „ Rao Bahadur A. T.
Pannirselvam. | 22 „ W. K. M. Langley. |
| 3 „ Mr. C. A. Souter. | 23 The Zamindar of Kirlampudi. |
| 4 „ Mr. G. T. H. Bracken. | 24 Mr. P. C. Moses. |
| 5 „ Diwan Bahadur S.
Kumaraswami Reddi-
yar. | 25 „ P. V. Rajagopal Pillai. |
| 6 „ Mr. P. T. Rajan. | 26 „ V. G. Vasudeva Pillai. |
| 7 „ the Raja of Bobbili. | 27 Khan Bahadur Javad Hussain
Khan Sahib Bahadur. |
| 8 Diwan Bahadur C. Natesa Muda-
liyar. | 28 Mr. G. Simhachalam Pantulu. |
| 9 Mrs. K. Alamelumangathayaramma. | 29 „ P. K. Ramachandra Padayachi. |
| 10 Mr. W. Scott Brown. | 30 Rao Sahib V. Dharmalingam Pillai. |
| 11 „ H. R. Uzielli. | 31 „ D. Krishnamurti |
| 12 „ C. E. Jones. | 32 Mr. M. G. Patnaik Mahasayo. |
| 13 „ G. T. Boag. | 33 „ G. Sriramulu. |
| 14 „ R. Madanagopal Nayudu. | 34 „ J. Kuppuswami. |
| 15 „ T. B. Russell. | 35 „ C. Indriah. |
| 16 „ T. Sundara Rao Nayudu. | 36 Rao Sahib C. Jayaram Nayudu. |
| 17 Khan Sahib Syed Tajudin Sahib
Bahadur. | 37 „ D. V. Narasimhaswami. |
| 18 Rao Bahadur R. Srinivasan. | 38 „ Pandit Ganala Rama-
murti. |
| 19 Mr. M. Devadasan. | 40 „ H. M. Jagannatham. |
| 20 Rao Sahib N. Siva Raj. | 39 Mr. K. Kesavaramamurti Nayudu. |
| | 41 „ C. Basu Dev. |
| | 42 The Zamindar of Chemudu. |
| | 43 Diwan Bahadur S. Ellappa Chetti-
yar. |

Neutral.

- | | |
|--------------------|---|
| 1 Mr. R. M. Palat. | 2 Subadar-Major S. A. Nanjappa
Bahadur |
|--------------------|---|

Ayes 19. Noes 43. Neutral 2.

The amendment was lost.

Mrs. A. RUKMANI LAKSHMIPATHI:—"Mr. President, my next amend-
ment reads as follows:—*'In sub-section (1) (a), for the words "forty-five" substitute the
words "fifty-one".'*"The object of my amendment is that there should be 45 general
seats, and six reserved seats of which three are for depressed classes,
two for labour and one for Anglo-Indians, making altogether a total
of 51 seats."Mr. T. SUNDARA RAO NAYUDU:—"On a point of order, Mr.
President."

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* The Hon. the PRESIDENT:—" Let the hon. Member state her case fully."

Mrs. A. RUKMANI LAKSHMIPATHI:—" Sir, I see that my amendment cannot stand in view of the fact that one seat has already been granted to the Anglo-Indian Association and also in view of the fact that amendment No. 2 relating to joint electorates has been lost. I do not therefore move it."

The amendment was not moved.

Clauses 4 and 6 were put and carried.

3-30
p.m.

Clause 25.

Section 46-A.

Mr. P. V. KRISHNAYYA CHOUDARI:—" May I know if I can move my amendment to clause 25? I wish to know whether I can move this amendment in view of the decision of the House to have only separate electorates. My amendment says that we should have joint electorate. Is my amendment in contravention of the decision of the House? "

* The Hon. the PRESIDENT:—" The hon. Member himself seems to doubt it; then he need not move it."

Mr. T. S. RAMASWAMI AYYAR:—" I do not think, Sir, that the House has decided against joint electorates; there is nothing to that effect in the Bill."

Dr. P. SUBBARAYAN:—" Mr. Krishnayya Choudari's amendment will really settle the issue."

Mr. P. V. KRISHNAYYA CHOUDARI:—" Sir, I beg to move the following amendment:—

'For section 46-A, substitute the following:—

" 46-A. *The particular divisions selected by the Government with reference to the strength of the Adi-Dravida electors therein should be treated as plural member constituencies, with seats reserved for Adi-Dravidas. These divisions shall have a right of returning two members, one of whom shall be an Adi-Dravida and the Adi-Dravida electors in those constituencies would vote jointly with Hindu electors both for any caste-Hindu and Adi-Dravida candidates who may stand*."

Note.—The system of election is to be on the analogy of reservation of seats in the Legislative Council for Non-Brahmans and for certain minorities such as Adi-Dravidas, etc., in district municipalities.

I take it that the City Municipal Act is based on the District Municipalities Act. I do not know why the practice which has been working very successfully for the last 15 years should be deviated from at present. We were glad to hear of the Poona Pact, four years ago. The Local Boards and District Municipalities Amending Bills were introduced in the year 1928 by Dr. Subbarayan, when he was Minister, before the Poona Pact was contemplated. There is no political

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significance attached to this practice and it has been working very satisfactorily in the mufassal. I do not know why we should deviate from that practice now."

* Mr. G. R. PREMAYYA:—"Sir, I second the amendment. When the District Municipalities Act was passed, although we agitated against it, the Legislative Council forced 'joint electorate' on us, and we accepted it. Now we find it is workable. About three years ago, in the case of municipalities, seats were allotted to Harijans, Muham-madans, etc., along with Hindu seats. The system has worked well and depressed class candidates are elected safely and easily; we have learnt to love our Hindu brethren. When we have this easy method of election, why should we have any break now? We are having joint electorates in the case of municipalities and local boards. Now I do not understand people saying that they do not want joint electorates. My hon. Friend, Mr. Siva Raj, says he speaks on behalf of his group. I do not know who they are. Does he speak for all the scheduled classes? Mr. Muniswami Pillai and myself voted against the proposition. Did he consult us? He never did so. All the depressed class people in the Andhradesa have learnt to love their Hindu brethren. They are going along with them and they are elected safely and easily. It would be a pity if we have separate electorates."

Mr. P. V. RAJAGOPAL PILLAI:—"May I know whether Mr. Premayya represents Adi-Andhras or Christians?"

Mr. G. R. PREMAYYA:—"I represent both in the whole of Andhradesa. The hon. Member represents only one district."

Mr. C. BASU DEV:—"I have got lower down another amendment which covers only a portion of the comprehensive amendment of Mr. Krishnayya Choudari. I shall move it separately."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, I have great pleasure in supporting the amendment moved by my hon. Friend from Guntur. As has been pointed out by Mr. Premayya, the system of joint electorates wherein the scheduled classes have got reserved seats, is working well. So far as the similar provision in the Local Boards Act is concerned, there has been no complaint that it has worked to the detriment of the communities to whom protection was given under that Act. No practical difficulty has been felt in the matter of giving effect to those provisions. I cannot understand why a change is sought to be made with regard to this principle.

"So far as the City of Madras is concerned, the problems that affect the scheduled classes are mainly those of housing and of supplying of other amenities like lighting and drainage. The Madras Corporation has been attempting for some years past to tackle these problems. There is no difference of opinion at all as to how these problems should be tackled. If more work has not been done on these lines, it is mainly due to want of finance and not due to any disinclination on the part of any Councillor of the Corporation of Madras to

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help the scheduled classes. Why I refer to this aspect of the question is this; the scheduled classes want representation on the Corporation and that their special requirements be attended to. The question arises how they are going to send their representatives. It is suggested that special constituencies should be carved out in the City of Madras. I am not able to see how it can be done. If you are going to give representation to scheduled classes in the divisions in which they predominate and have plural member constituencies, then it would be possible for the community to bring to the notice of the Corporation Council their special grievances not only through their representatives but also through the sitting Hindu member for those constituencies. For example, one such division which has been contemplated by the members of the scheduled classes is the Nungambakam division. A number of these classes are living there in scattered areas in that division. Similarly, Rayapuram and Tondiarpet divisions are suggested. The special needs of these classes will be tackled, if the whole constituency is able to send representatives who will put forward these needs. If you are going to have a division where the scheduled classes are scattered, and if you do not ask them to vote for one candidate stands, you can have a scheduled class candidate also to stand. If a division like Nungambakam is selected, if a caste Hindu candidate stands, you can have a scheduled class candidate also to stand. Then the whole division will be able to understand the special needs of the scheduled classes living in it. But if you take a division here, and a division there and combine them into one constituency, how can the scheduled class candidate be elected, as against others? While we were discussing the question of grants-in-aid, it was stated that a mandate from the constituency was necessary. How is a candidate who is elected by a few people in Nungambakam, by a few people in Chintadripet and a few others in Rayapuram, going to get the mandate from the community?

“On the other hand, if divisions where the scheduled classes predominate are selected and they are given separate representation in those divisions in plural member constituencies, not only will they possibly pull together with the caste Hindus in their divisions, but their special needs also can be easily brought forward. Again, Sir, if in the future, we are going to have joint electorates and if we are going to make the minorities safe without safeguards, how are we to work up to that situation if we are going to have special constituencies all along without giving an opportunity to all the people to come to the same booth? For these reasons, Sir, I strongly support the motion for having plural member constituencies, with special reserved seats for the scheduled classes.”

* Rao Sahib V. I. MUNISWAMI PILLAI:—“Mr. President, Sir, I rise to support the amendment moved by my hon. Friend from Guntur. My hon. Friend who spoke before me has explained the necessity

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for having plural-member constituencies. Sir, when the Local Boards and Municipalities Acts, 1920, were amended, when the amending Bills were before the Select Committee, my friends Rao Bahadur R. Srinivasan, Rao Sahib N. Siva Raj and myself were in the Select Committee and we agreed to a system of joint electorate with reservation of seats in all local bodies for scheduled classes. Madras City having within itself a large number of educated scheduled caste people who are wealthy and cosmopolitan, it is not a matter for satisfaction that we should decide upon separate electorate and seclude these communities from the others. Long before the Local Boards and Municipal Acts were amended, I had the opportunity of being elected to a general seat in the Ootacamund Municipal Council. After the amendment of those Acts, it was possible for me to get into the municipal council and also into the District Board, through the system of joint electorate. I do not think, Sir, there need be any fear on the part of the Adi-Dravidas in this City; after all the amendment only says that the election must be by the method of joint electorate. I am not here to unnecessarily drag the Poona Pact or the recent utterances made by Dr. Ambedkar. Of course, if we take this province, there are very few people who really join hands with Dr. Ambedkar in the opinion which he has recently expressed. I appeal to my scheduled class friends who represent the City in this Council to agree to this amendment on its merits.

“ Sir, on the 15th of May 1935, a memorial has been addressed to the Hon. the House of Commons in London in connexion with the Poona Pact. The people who got up the memorial have clearly stated there that—

‘ For several years representatives of the depressed classes to the various local bodies such as the District Boards, panchayat boards and municipal councils, have been and are being elected by the method of joint electorates with reservation of seats, and this method of representation to the local bodies has not produced so far any unsatisfactory result, nor has it given any cause for complaint. There are even instances where depressed class candidates have been elected to the local boards by the method of joint electorates, and even successfully elected as presidents and vice-presidents of some local boards.’

That being the case, Sir, I do not think that my friends need have any anxiety that their interests will be jeopardized. On the other hand, it must be admitted that we, scheduled castes, cannot live separately; we have to live among the other castes, Hindus, Indian Christians, Anglo-Indians and Europeans. The Local Boards Act and the District Municipalities Act do not prescribe joint electorates for any of these communities, and it is well-known that those communities are not satisfied on this account. Apart from that, there have been so many elections recently to the local boards, and I do not think any of us have—at any rate I have not—received any complaint from any quarter in regard to joint electorates. I therefore request my hon. friends to accept this amendment which is intended for the benefit of the scheduled classes.”

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* Rao Sahib N. SIVA RAJ:—"Mr. President, if I enter into a lengthy disquisition on the subject of the representation of depressed classes whether in the legislatures or in local bodies, I am afraid I should have to take much time of the House; and for the purpose of the Madras City Municipal Act, I do not think I shall have recourse to that method. Moreover, Sir, I have on another occasion, viz., when the Joint Parliamentary Committee Report was under consideration in this House, made a very very lengthy speech expressing therein the sentiments of the depressed classes which have certainly undergone a considerable change since the date of the Poona Pact. I should say the heterodoxy of the year 1932 has become the orthodoxy of 1935.

"Sir, we know that during the days just prior to the Poona Pact and immediately after the award of the Premier, it was claimed as one of the greatest political victories for the depressed classes—perhaps the only victory of its kind in the history of the movement of the depressed classes—that we were able to get separate electorates, even at a sacrifice of a good number of seats which they would otherwise have got on the normal population basis. But curiously enough, in extraordinary circumstances and owing to the sentimentality of persons, or rather the fits of sentimentality into which one gets, the members of the depressed classes thought that they were really doing a national duty by signing the Poona Pact, particularly under the pressure of Mr. Gandhi's fast; but, Sir, since the time of the Poona Pact, there have not been wanting instances, nor events, to show that the entire sympathy evinced by the caste-Hindus just before the signing of the Poona Pact had become mere lip-sympathy. It is usual with the Hindu that he believes in many things that he does not do and he does many things in which he does not believe. The caste-Hindu, according to my experience of him, is nothing but a bundle of superstitions if he is not also a bundle of false pretences. His life is generally merely based on symbolisms, and we find that there are many manners and customs in the modern Hindu particularly which won't stand the test of sincerity. Anyhow, I find that since the days of the signing of the Poona Pact, in spite of some attempts that have certainly been made by honest people who are social reformers, there has been no advance at all. On the other hand, it has driven men of the type of Dr. Ambedkar who is much more educated and cultured than any one perhaps in my community either in this presidency or elsewhere, to seek another religion in order to have freedom of action and more social freedom generally. That is because many a thing must have happened. In one instance, known as the Kavitha affair, Mr. Gandhi very coolly gave advice to the scheduled classes by saying: 'Shake the dust off your feet'—and go to hell: perhaps that is the next proposition. I know there was an occasion when the depressed classes as a whole and one of my friends—the hon. Mr. M. C. Raja who was then a Member of this Council—protested against a similar advice that was given by my late lamented friend,

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Mr. Thanikachalam Chettiyar at the time when there was a conflict between the depressed classes and the Hindus during the time of what was known as the Puliyanthope trouble. I know to what extent the advice given by Mr. Gandhi with reference to the Kavitha incident and the subsequent announcement of Dr. Ambedkar at the Nasik Conference—possibly as a consequence—have affected the minds of the depressed classes, at any rate in the City of Madras. Only the other day, Sir, I was presiding over a very large gathering of the depressed classes—perhaps the biggest gathering that I have ever presided over, for the first time in my life. About three thousand were there to sympathize with the depressed classes and I can talk about it with much better authority than any other hon. Member of this House can do. I was able to observe the intense feeling which the depressed classes exhibited on that occasion; it was a feeling of resentment and every one said that far from having joint electorates they would go away and have a separate religion altogether. That is the state of affairs in which we are living at the present moment. I am really surprised that my friend, Mr. Premayya, should suddenly shoot up and say that—in fact he never entered into my head even as an element of thought, because as I understand, he is a Christian—he represented a certain group of depressed classes on this question. You may remember, Sir, that I excluded members like Mr. Muniswami Pillai and Mr. Premayya, who hold their views in favour of joint electorates. Anyway, it seems to me that the representation of the depressed classes whether in this House or elsewhere—excepting perhaps those who have freedom of political action—has become a sort of plaything in the hands of politicians, and that is the saddest feature in the political progress of this country. Whatever that be, if the educated men in the depressed classes, and if I and my friends here who have been in this Council for a long time, do not represent the depressed classes, who else does? My friend, Mr. Premayya, shouts at me and says he represents twelve districts. What cheek! A gentleman from the Christian community comes and says that!”

Mr. G. R. PREMAYYA:—“Sir, does the hon. Member know that I have been nominated by the Government to represent the depressed classes in Andhradesa? Does he know that Mr. Ramjee Rao was nominated previously to represent the depressed classes?”

Rao Sahib N. SIVA RAJ:—“I know that Mr. Somasundaram Mudaliyar was also nominated to represent the depressed classes; that does not mean that he was a depressed class man or that he felt like the depressed classes.

“As I was saying, Sir, this question of representation of the depressed classes is the plaything of the politicians in this country. As a matter of fact, we have not yet come to the stage when we can compare even the methods of representation, i.e., the joint electorate and the separate electorate. We have not yet had the benefits or

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advantages of the method of separate electorate; how then can anybody say that the joint electorate is better than the separate electorate or that the Hindus love the Muslims? We certainly feel, Sir, particularly having regard to the present circumstances, that we ought to be given the chance of sending our representatives through separate electorates and seeing how better will our representatives be—I am sure they will be much better than my friends who have now been returned in the joint electorate. That is a matter on which we feel very strongly, at any rate so far as the City of Madras is concerned.

“ Mr. Muniswami Pillai who knows the districts in and out and persons like him may have opportunities of getting themselves elected; but there is no use of trying to solve the question from the point of view of the standards that we see prevailing at the present moment in any particular district. I personally can say, without fear of being contradicted, that so far as the City elections are concerned, I have a fair chance of being returned in a general electorate; but I will claim that to be a personal victory. . . ”

Mr. M. A. MUTHIAH CHETTIYAR:—“ Why do you object then? ”

Rao Sahib N. SIVA RAJ:—“ Exactly, because I do not judge any 4 p.m. question from my own personal advancement or my personal idea. My hon. Friend, the Kumara Raja of Chettinad, may laugh at it, and his experience is probably the other way, judging everything from self-interest.

“ Then, Sir, there is the other point why this House ought to consider this question of separate representation of communities. As a matter of fact, the present clause that is contained in the Bill, as amended by the Select Committee, is a *via media* between the one extreme that Rao Bahadur Srinivasan had in view and the method suggested by my hon. Mover, namely, joint electorate. Rao Bahadur Srinivasan suggests that all the depressed class voters in the Madras City ought to be constituted into three separate territorial constituencies, each territorial constituency returning one member. That is really the separate electorate in the full sense of the word, and as I said, the present method is only a *via media*. It allows the depressed class voters in places where seats are not reserved, to vote for the caste Hindus and get a chance of getting returned in the general constituency; and it seems to me that the interests of the depressed classes would be served properly only if certain areas are reserved for the depressed classes and only if the members of the depressed classes give their notes so far as that seat is concerned so as to secure the right of their representative being returned to the Corporation. May I ask my hon. Friend, Mrs. Lakshmipathi, who generally takes a very sound and sane view of things which I may call nationalist and patriotic view of things, which tends on occasions to blur one's vision—may I ask her, when they have been having joint electorates for the rest of

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the caste Hindus for the legislative elections, how then does it happen that my hon. Friend, the Kumara Raja, is such a strong non-Brahman and my hon. Friend, Mr. Satyamurti, is such a strong Brahman, that there is a strong feeling of Brahman and Non-Brahman—nobody can deny that—and how does it happen that the joint electorate has not solved that? May I ask her that question? When that is the case with them, it is much worse with us.

“ Another point why it is said we must have a separate electorate is, we must have freedom of political action. I know many political parties come and say, you join us, we will help you. Sir, the best way of improving the depressed classes is to keep these two things apart and entirely separate, namely, the political advancement of the depressed classes and the social help that they might possibly get from the other communities or from the other political parties. The one reason why most of the members of the depressed classes—at any rate the members of the depressed classes in the present legislature—have been adopting the principles of the Justice party is, that while the Justice party is prepared to render us all possible help to advance our position socially, it gives us scope for freedom in the matter of our political action. It does not force its views upon us, upon any question it gives us entire freedom of action; and in the future, I am sure most members who really want to serve the depressed class community will support the party which stands for that principle, namely, giving entire freedom so far as politics is concerned, while at the same time trying to help us by giving all possible help they can to us, instead of giving that help as a consideration for the political support that they seek from us. That is the reason why I request the House to oppose this amendment.

“ Again, Sir, with regard to the question of joint electorate, my hon. Friend just puts into my head very rightly this point, namely, this House which consists of very enlightened, very wealthy and very cultured members and representatives of the public, did not vote for my hon. Friend, Mr. Devadasan, in the matter of the election to the Senate of the Madras University, even though he is a candidate of the party which commands the majority in this House, but voted for my hon. Friend, Mr. Nachiyappa Gounder, who belongs to a party which consists of only 16 people (Mr. V. T. Arasu: ‘ Question? ’); all right, have it at 20 or at 40, but certainly not a majority party. Anyhow, it does not matter. He was able to be returned to the Senate. I want to ask, how it happened? I am sure, my hon. friends on this side, Mudaliyar and Nayudu friends should in a way have voted for Mr. Nachiyappa Gounder and not for my hon. Friend, Mr. Devadasan. (Mr. Basheer Ahmed Sayeed: ‘ How do you know? ’) It is only people like you. . . .”

* The Hon. the PRESIDENT:—“ The hon. Member may address the Chair.”

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* Rao Sahib N. SIVA RAJ:—" Yes, Sir, I have never swerved from the habit of addressing the Chair. There is yet another point which I wish to touch with reference to my hon. Friend, Mr. Muniswami Pillai, and my hon. Friend, Mr. Premayya, who were growing so enthusiastic and eloquent for joint electorates. Sir, on the last occasion when a similar subject was mooted in this House, namely, the consideration of the Joint Report and when this House passed by rather a good majority the resolution which I had the honour to move, namely, that the Poona Pact must be scrapped and that the Communal Award ought to be restored, I find from the division list that both my hon. Friend, Mr. Muniswami Pillai, and my hon. Friend, Mr. Premayya, at any rate my hon. Friend, Mr. Muniswami Pillai, voted with us."

Dr. P. SUBBARAYAN:—" Mr. President, Sir, I had no intention of intervening in this debate before my hon. Friend, Mr. Siva Raj, had spoken, because I, for one, feel that the Hindu community is having its retribution for the way in which the depressed classes have been treated. I am glad that my hon. Friend, Mr. Siva Raj, observes that at least in the constitution as propounded in the present Bill, the depressed classes will still have a vote in the general constituency, though they vote in a separate electorate with regard to the election of their City representative to the new Corporation Council. For that small mercy, I am indeed thankful because I think the community's interests will be kept intact at least by that procedure adopted by the measure under discussion. At the same time I feel that in the general interests and welfare of the Hindu community as a whole a joint electorate would be better than a separate electorate, because we do not want to divide the communities. (The Hon. Rao Bahadur A. T. Pan-nirselvam: 'Hear, hear.') The Hon. the Home Member says: 'Hear, hear.' But, in his own community, even after conversion to Christianity, I see that depressed class Christians have got to take a place lower down than the one occupied by the Hon. Member because he belongs to a superior caste in this country; and what is more, these Christians, eminent Christian gentlemen, after having adopted the religion of the greatest Savior in the world who came to take away the differences in this world, still observe caste. I do not blame the Christians for that, because I think the sin lies at our door; as they are born in this country, they are so injected with the poison of caste that they observe it even when they go over to Christianity. I can understand the vehemence with which my hon. Friend, Mr. Siva Raj, spoke on the question of separate versus joint electorates, but I would like to appeal to him and the like of him that in anger we should not separate, and that we have a lot to gain in this country by union. We have a lot of lee-way to make up for the past misdeeds and I feel that by keeping together my hon. Friends belonging to the depressed class community will have everything to gain. The caste Hindus know the troubles that they themselves have when they begin to talk of the uplift of the depressed classes. They have the opposition of their own kith and kin, but in spite of this, many noble souls have done what they

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can to better the interests of our own Hindu brethren in the depressed class community and I am sure, in spite of the anger that my hon. Friend expended on the floor of this House, people like me who still feel that unity should be achieved at all costs, would continue to do what we can to achieve that union."

* Rao Sahib N. SIVA RAJ:—"On a point of personal explanation, Mr. President. I must make my position clear with reference to the work that is being done on behalf of the depressed classes by the Hindu community: I daresay my hon. Friend, Dr. Subbarayan, is a standing example of the help that is rendered to the depressed classes by caste Hindus and he even went out of his way to render that help. Of course, it is extraordinary. I also know that quite a good number of members are prepared to help, like my hon. Friend, Mrs. Lakshmi-pathi. But it is not Dr. Subbarayans and Lakshmi-pathis alone that matter. What about persons like Muthuswami Asari and Adikesavalu Nayakar . . ."

* The Hon. the PRESIDENT:—"Order, order. It is too long an explanation."

* Dr. P. SUBBARAYAN:—"Sir, I am indeed thankful to the compliment that my hon. Friend has paid to me. It is because I feel, as my hon. Friend feels, that there are persons like me and Mrs. Lakshmi-pathi in the Hindu community that I appeal to him to give us a chance to convert our brethren to our view of thinking, to convert the whole mass of the Hindu population to our view of thinking, so that to-morrow it may not be said that in anger we parted. If there is to be a partition at all, which I am sure may come if the general Hindu community goes on in the way they have done for the last half a century and more, let it come in peace; let us separate not in anger on one side or the other because we have felt that it is impossible for us to really meet the wants of our depressed class brethren, but I feel the time has not yet come and a chance must be given for the joint electorate to be tried in the Corporation. And I am sure when once the Hindu community solves this problem with regard to the untouchables, even my Hon. Friend, the Home Member's community, will equally solve the problem, because even though they may be converts to Christianity, they are injected with the poison of caste from the time they were born and they continue it even when they are converted to the religion of Christ. Therefore, the whole problem of the depressed classes, as far as I can envisage to-day is really enveloped in the treatment they receive from the Hindu community, and when once that large problem is solved the other problems will solve of their own accord and in the interests of unity and in the interests of all that we consider important in our national life I would appeal to my hon. Friends on the other side belonging to the depressed classes to accept this amendment of Mr. Krishnayya Choudari, which really is a very vital thing for the unity of the communities."

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* The Hon. the RAJA OF BOBBILI:—“ I do not think it is necessary for me to make a long speech at this stage as we have already had a full-dress debate on a similar amendment moved by my hon. Friend, Mrs. Lakshmipathi. I can only say that as it has not been possible to find a solution acceptable to all the depressed class Members in this House, as I have already stated, I must oppose this amendment.”

* The Hon. the PRESIDENT:—“ I will now put the amendment to the vote of the House. The question is—

‘ For section 46-A, substitute the following:—

“ 46-A. *The particular divisions selected by the Government with reference to the strength of the Adi-Dravida electors therein should be treated as plural-member constituencies, with seats reserved for Adi-Dravidas. These divisions shall have a right of returning two members, one of whom shall be an Adi-Dravida and the Adi-Dravida electors in those constituencies would vote jointly with Hindu electors both for any caste Hindu and Adi-Dravida candidates who may stand.*

“ NOTE.—The system of election is to be on the analogy of reservation of seats in the Legislative Council for Non-Brahmans and for certain minorities such as Adi-Dravidas, etc., in district municipalities ”.

The motion was lost.

* Mr. C. BASU DEV:—“ I beg to move—

‘ In section 46-A, for the words “ the other electors ” in lines 5 4-15
and 6, the words “ all the electors including the Adi-Dravida p.m.
electors jointly ” shall be substituted.’

My amendment seeks to give depressed class voters a voice in the return of the representative for the general seat. I hope the House will accept the amendment. I would like to state the present position. The Government are nominating certain members of the depressed classes to the Corporation. The depressed class voters have been taking part in the elections to the thirty general seats. When that is the case, I do not see why the voters of the depressed classes should be prevented from exercising a right they have all through enjoyed and why their voting should be restricted to only such of those divisions in which seats have not been reserved for them. This is an unnecessary distinction and I hope that, in view of the views expressed on all sides of the House that attempts should be made to bring together both the Hindus and the depressed classes, there should be no distinction even in these three divisions and that both the caste Hindus and depressed classes should jointly return their representatives.”

* Dr. P. SUBBARAYAN:—“ I have great pleasure in seconding the amendment which really carries out what I want. I think even in divisions where seats are reserved for the depressed classes and where they have a separate vote for returning their representative, they

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ought also to have a voice in returning the other member. To a great extent, it will keep the Hindus and the depressed classes together and I think our *bona fides* will be shown by the way in which we treat this amendment of Mr. Basu Dev."

The amendment was put and carried.

Mr. T. B. RUSSELL:—"Mr. President, I move—

"In lines 4 and 5, for the words "elect an Adi-Dravida candidate" the words "elect a councillor who shall be an Adi-Dravida" shall be substituted.

"In lines 6 and 9, for the word "candidate" the word "councillor" shall be substituted."

This is a drafting improvement."

Mr. T. SUNDARA RAO NAYUDU:—"I second the motion."

The amendment was put and carried.

Clause 25.

Section 46-B.

Mr. T. B. RUSSELL:—"Mr. President, I beg to move—

"The following words shall be added at the end, namely:—

"The boundaries of the said constituencies shall be fixed by the Local Government by notification. The Local Government may, after consulting the Council, by notification alter the boundaries of either of such constituencies."

This follows the wording of section 45 of the Act and is a drafting improvement."

Mr. T. Sundara Rao Nayudu seconded the motion.

The amendment was put and carried.

Clause 25.

Section 47.

Mr. T. SUNDARA RAO NAYUDU:—"Mr. President, I beg to move—

"(i) In sub-section (3), for the words "shall be printed separately," the following words shall be substituted, namely, "shall be shown separately";

(ii) for the words "by Government" at the end, the words "by the Local Government" shall be substituted; and

(iii) for the words "for the reservation of seats for Adi-Dravidas" the following words shall be substituted, namely, "as the divisions in which seats shall be reserved for Adi-Dravidas"."

These are amendments which are of a drafting nature."

Mr. R. Madanagopal Nayudu seconded the motion.

The amendments were put and carried.

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Clause 25.

Section 49.

Mrs. A. RUKMANI LAKSHMIPATHI:—“ Mr. President, I move—
‘ Omit the proviso under sub-section (1) (a).

Add the following proviso to section 49 (1):—

“ *Provided that no person shall be deemed to be disqualified as an elector if his non-residence is due to his being detained by Government in prison* ”.

My reason for the deletion of this proviso is that no special provision for Europeans should be made. It looks as if this particular proviso has been made in order to accommodate Europeans who do business here and who go to their country on furlough. This proviso exists in the Calcutta Act to provide for the convenience of the Europeans.

“ With regard to the second amendment, I should like to point out to this House that the revising authority or the officers who prepare the electoral rolls sometimes refuse to enter the names of political prisoners in the roll. In some cases, they admit their names. I shall give an instance. In Bezwada the revising authority had the names of the political prisoners included in the rolls; while in Cocanada the revising authority definitely refused to put their names on the electoral rolls. To make it definite that such persons' names should be continued on the rolls, I have given notice of this amendment.

“ The disqualification should be removed. There is already under 4-30 section 52 of the Act a clause removing the disqualification of those P.M. people who are convicted for some political offence. Therefore, with these few observations, I move for the deletion of the proviso under sub-section (1) (a) and substitution of the following proviso for section 49 (1):—

“ *Provided that no person shall be deemed to be disqualified as an elector if his non-residence is due to his being detained by Government in prison.* ”

Mr. K. A. NACHIYAPPA GOUNDER:—“ I beg to second the amendment.”

Mr. T. S. RAMASWAMI AYYAR:—“ Mr. President, Mrs. A. Rukmani Lakshmipathi moved the two amendments together. Personally speaking, I am in sympathy with the latter amendment of Mrs. Rukmani Lakshmipathi regarding the removal of disqualification of people who are in prison. A case arose, Sir, some two or three years ago even in the City Corporation and it was not possible for the Corporation to have a member of the City Council who was very useful retained in the Council. I therefore, Sir, have no hesitation to support the amendment moved by my hon. Friend, Mrs. Rukmani Lakshmipathi, to section 49 (1). But as regards the amendment to section 49 (1) (a),

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I am sorry, Sir, I am not able to agree with the remarks made by my hon. Friend, Mrs. Rukmani Lakshmipathi. It may be that the provision is intended to help people who go out of India and it may certainly help Europeans who are in the City Council and who often have to leave India. But it has to be pointed out that many of the Councillors who served in the City Council are very useful members. It may be that either their business or private reasons make them go out of India. When they go out of India, sometimes they resign and another member is elected by the constituency. When a person who has resigned comes back, he is re-elected. To obviate this cumbersome procedure this provision is made. Similarly, Sir, even with regard to the electorate it may happen that when a person who is on the electoral roll and uses his franchise goes out of India and again comes back, it is necessary that we should retain the name on the electorate of that community. If the Europeans feel that electorate should not be changed often merely because they go out of India, I think, Sir, we should not deprive them of that right. They send their representatives of the community to the City Corporation, often very valuable members. Of late, those members of the City Corporation have been taking keen interest in the affairs of the City Council. I therefore, Sir, feel that we shall not deprive that community of this small convenience that is given to them. Though my hon. Friend, Mrs. Rukmani Lakshmipathi, thinks that it applies only to Europeans, it even applies to other communities also. Even Indians go out of India and they may also like to have their names retained on the electoral roll."

* Mr. W. K. M. LANGLEY:—"Mr. President, Sir, I should like to say a few words on the proposals of the hon. the Lady Member. As far as her first amendment is concerned, I have very little to add to the remarks for which this group has to thank my hon. Friend, the Member for the University. There is nothing very mysterious in the first proviso which the hon. the Lady Member wants to remove. It merely follows a proviso which is, I believe, customary in connexion with similar electoral rolls in practically every provincial Government and also the Legislative Assembly in this country. May I point out that a similar rule obtains in the Legislative Assembly itself; in fact, I have here before me the electoral roll of the Legislative Assembly which lays down in almost precisely similar terms that an European shall not be deemed to be disqualified to be an elector for his European constituency for the reason of his non-residence if he is employed in the constituency and his non-residence is due to absence of leave from such employment. Similarly, at the request of this group and with the full consent of the Select Committee which sat on this Bill and also in view of the convenience generally of those who are charged with the preparation of the electoral rolls, this proviso was inserted. I confess it was with some surprise mingled with regret that I heard the amendment of my hon. Friend, the Lady Member. I can only conclude that she feels that the Corporation would be better off if it could secure the entire approval of all its European members. I may

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conclude therefore that whatever view she may hold about the Corporation, she is apparently prepared to accept a continuance of this group in this particular House.

“ Now, regarding the other part of the amendment of my hon. Friend, the Lady Member, I feel that this does considerably more credit to her heart than to her head. I have no alternative but to take the amendment absolutely as it stands and I can therefore take with confidence that this amendment not only implies but states in so many words that no individual who has been or is in prison should lose his residential qualification for the electoral rolls by that fact. It is true that the Lady Member in her speech made special reference to political prisoners. Apart from the difficulty of deciding where an offence ceases to be political and begins to become criminal, it is obvious that those concerned with the preparation of electoral rolls cannot go outside the actual wording of the proposed amendment if incorporated in the Bill. Obviously they cannot look up the records of our local Hansard in order to judge what interpretation to put upon a section of an Act. They must go by the actual wording of the Act itself; and this amendment leaves no doubt whatever that detention in prison, from whatever cause, would not disqualify anybody. Now, Sir, I cannot say that anybody in all seriousness could suggest such a proposition for the acceptance of any public man or public body of men. When I say this, I can actually think of one person alone to whom this particular argument might have appealed and that is the late lamented Mr. Horatio Bottomley. But I cannot conceive that it would appeal to anybody else. If the House disagrees with me and takes the view that the hon. Mover of this amendment is really serious. I would just ask the House to reflect what this amendment would imply. If a prisoner's name must remain on the electoral roll, he must have the right to vote. How is that going to be arranged? I must address you, Sir, but I would like to ask my hon. Friend, the Sheriff of Madras, who is sitting just behind me whether he would be prepared to effect a general jail delivery whenever elections take place. I imagine that he would not be prepared to accept the responsibility of such an extremely risky proceeding. That being the case, I can only suggest that we should go back to clause 5 which we have already passed and in which many different bodies have asked for separate representation and provide under that clause a separate seat and a separate electorate for the general jail population. I imagine that this might have an educative effect. In fact, I will suggest to the hon. the Lady Member, if she is really serious with regard to her amendment, if by some means or other, we enfranchise the jail population that those members of her Party who feel called upon to be incarcerated for their conscience's sake or for their belief that they are thereby serving their country take the opportunity under a separate electorate of this nature to educate politically those less fortunate members in the houses of detention in the Presidency and in the City of Madras and thereby raise to a higher level the political conscience

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of the lower classes of this Presidency. But, Sir, I cannot believe that this particular amendment is really meant seriously. I conclude that it is intended as a suggestion which I can fully appreciate. If it is meant in all seriousness, then I can only suggest that my hon. Friend, the Lady Member, takes this amendment just one step further and proposes the immediate enfranchisement of the whole lunatic asylums in this country."

4-45
p.m.

* The Hon. the RAJA OF BOBBILI:—"I do not think it is necessary for me to make a long speech, Sir. The provision has been specially made in the statute on the lines of the rules in the Legislative Assembly in order to enable people who for various reasons have to go to foreign countries to retain their names on the electoral rolls. As regards the second portion of the amendment, I do not see how such a proposal will be in the interests of the Corporation. I do not wish to take up the time of the House by a long speech and so I beg to oppose the amendment."

* Mrs. A. RUKMANI LAKSHMIPATHI:—"In view of the remarks by my hon. Friend, Mr. Ramaswami Ayyar, and the hon. Member, Mr. Langley, I do not wish to press my amendment. I should like to tell my hon. Friend, Mr. Langley, that when I first gave notice of this amendment, I meant no ill-will towards the Europeans in particular. All that I have to say in support of the other amendment is that those convicted of political offences should not be disqualified to vote. I do not wish to press both the amendments."

The amendments were by leave withdrawn.

Mr. T. B. RUSSELL:—"I beg to move this small verbal amendment—

'For the proviso to clause (a) of sub-section (1), the following shall be substituted, namely:—

"Provided that a person shall not be deemed to be disqualified under this clause if he is employed in the City and his non-residence in the division for the period aforesaid is due to his absence on leave out of India; and "

Mr. T. SUNDARA RAO NAYUDU:—"I second it."

* The Hon. the PRESIDENT:—"If Mr. Krishnayya Choudari wants to move his amendment he can move it as an amendment to this."

Mr. P. V. KRISHNAYYA CHOUDARI:—"I move—

'In the first proviso to section 49 (1), for the words "absence on leave out of India," the words "absence on leave out of the City of Madras" shall be substituted.'

For example, the Secretariat officers go out on leave and are now entitled to go out. In the case of those who go out of the Corporation area, I move that their names may be continued on the electoral roll if they are *bona fide* persons who go on leave."

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Mr. D. M. REID:—"I second the amendment and wish to add that I see no strong objection to it. I may say that I was under the same disability when I served in the Corporation of Madras. On account of business reasons we have to leave the City for a time. It is unfortunate to come back and find oneself temporarily barred and unable to continue. I can see that the House approves of it and that there is therefore no need to speak further."

The Hon. the RAJA OF BOBBILI:—"This question was discussed by the Select Committee and it was considered undesirable to grant any general exemption as there would be many people who will be having the extension qualification. Some people will be able to get out of the local bodies because we have got a provision in the other case. Unless the number of people affected will be comparatively small, I submit we should not grant such kind of exemptions. If in one case we grant it, we cannot refuse in the other."

Mr. P. V. KRISHNAYYA CHOUDARI:—"After all, there is no harm to the Corporation. They will get their tax which will be collected from these people. If they paid the amount, I do not see why they should be deprived of the right of continuing on the electoral roll. We are encouraging more franchise. With these observations I will press my amendment."

Mr. P. V. Krishnayya Choudari's amendment was put and lost.

Mr. T. B. Russell's amendment was put and carried.

Mrs. A. RUKMANI LAKSHMIPATHI:—"I beg to move—

'Omit sub-section (1) (b) altogether.'

"My object in moving this amendment is, Sir, that the system of adult franchise should be introduced in the City Corporation. I need not on this occasion dwell on the importance of adult franchise. From the Congress point of view, Sir, I should like to tell this House that adult franchise has been its ideal and the Nehru Report has also recommended universal franchise. The qualifications of a voter in the City Municipal elections are these. The voter should be a British subject. He should be 21 years old. And he should have residential qualification of 120 days in the aggregate. In view of these three qualifications which a voter ought to possess that voter should enjoy the privilege of adult franchise. If the system of adult franchise is introduced we will be giving an opportunity to all classes of people to exercise their vote in City Municipal elections. Rich people as well as the poor people will enjoy this privilege. Again, Sir, in postwar constitutions you will find that the adult franchise has been resorted to in countries like Turkey. An adult who is aged 18 enjoys the privilege of voting in the elections. In Japan also, Sir, so far as the elections to the lower house are concerned, adult franchise has been introduced. In England all adult women possess the privilege of voting. In Australia also, Sir, the constitution of 1900 contains this system of adult franchise. The qualification recommended by the

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Lothian Committee for the Legislative Assembly is the literacy qualification and they did not approve of the introduction of adult franchise because they pointed out certain difficulties in the way of introducing adult franchise. They said it would cause great inconvenience and bring about much difficulty in preparing the electoral rolls. I do realize that in such a vast country as India the introduction of adult franchise might cause some inconvenience. But it is a question of principle that every adult person, so long as he or she has reached the age of 21, should be entitled to the privilege of voting. With these few remarks, I move that the whole sub-clause (b) be omitted."

Mr. V. T. ARASU:—"I beg to second the motion."

* The Hon. the PRESIDENT:—"The hon. Member may resume his speech to-morrow."

The House then adjourned to meet again at 11 a.m. the next day.

VI.—PAPER LAID ON THE TABLE OF THE HOUSE.

* *Proceedings of the Finance Committee, dated 7th October 1935.*

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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TRUTH ALONE TRIUMPHS